

Statement of Carlene Anne York

Special Commission of Inquiry into matters relating to the Police investigation of certain child sexual abuse allegations in the Catholic Diocese of Maitland-Newcastle

On **15** February 2013, I say:

Preliminary matters

1. My full name is Carlene Anne York and I am an Assistant Commissioner of Police, presently attached to the Northern Region, NSW Police Force (NSWPF).
2. This statement is prepared by me for the sole purpose of responding to a summons dated 12 February 2013 issued on 13 February 2013 by the Special Commission of Inquiry (established by way of letters patent dated 21 November 2012 and varied by letters patent dated 11 January 2013) for me to produce a statement in relation to a number of defined issues. This statement is produced by me to the Special Commission of Inquiry pursuant to the said issued summons unwillingly and only on the basis that, without exception, section 23(2) of the Special Commissions of Inquiry Act 1983 applies to restrict the use of this statement and the documents referred in it, and attached to it. Pursuant to section 23(2) of the Special Commissions of Inquiry Act 1983 I object to the information contained within this statement, and the attachments to the statement, being used in any criminal, civil or other proceedings or inquiries or investigations of any kind.

Background

3. I have held the position of Commander of the Northern Region since February 2010. Details relating to my police duties since joining the NSWPF in January 1980 as a trainee, are set out below:
 - (a) From 1980 to 1983, I was engaged in carrying out general duties as a police officer in the Metropolitan Region of New South Wales.
 - (b) From 1983 to 1995, I was engaged in the Prosecution Branch of the NSWPF, carrying out prosecution duties in various locations within the Sydney metropolitan area.
 - (c) From 1995 to 1997, I was involved in carrying out duties with the Corporate Strategy Unit of the NSWPF.
 - (d) From 1997 to 1999, I was engaged in carrying out research duties with Specialist Operations.
 - (e) From 1999 to 2002, I was engaged as a Staff Officer to a Deputy Commissioner of Police.
 - (f) In the years 2002-2003, I was engaged as a Staff Officer with the Forensic Services Group of NSWPF.
 - (g) From 2003 to 2005, I was the Commander of the Criminal Identification Specialist Branch of the NSWPF.

(h) From 2005 to 2010, I was the Commander of the Forensic Services Group of the NSWPF.

(i) From 2010 until the present time, I have been engaged in the duties as Commander, Northern Region.

I was appointed an Inspector with the NSWPF on 7 August 2000. I was promoted to a position of Superintendent on 29 July 2003, and I was further promoted to the rank of Assistant Commissioner on 16 November 2005.

4. To the best of my knowledge, the circumstances surrounding the setting-up of the Strike Force in general terms are as follows.
5. Ms Joanne McCarthy, a journalist with the Newcastle Herald, forwarded documentation to the Lake Macquarie Local Area Command (LAC) relating to allegations which had been raised with respect to certain clergy of the Catholic Church. As a result a report was prepared by Inspector Anthony Townsend, Operations Manager of Northern Region, dated 12 July 2010. Thereafter, I had to make a determination as to whether an investigation should commence and, if so, which local area command would be most appropriately placed to carry out the necessary investigations.
6. In his report, Inspector Townsend set out some background details relating to the allegations, some of the legal issues involved, as well as the discretionary factors involved in the NSWPF proceeding or, in the alternative, not proceeding with conducting an investigation into these allegations.
7. Available options were put forward by Inspector Townsend as to how the NSWPF should best proceed with this matter. **Annexed to this statement and marked with the letter "A" is a copy of the report dated 12 July 2010.** This was forwarded by Inspector Townsend to me. This was the first time I became aware of the allegations.
8. Upon receipt of the report and consultation with my Staff Officer, A/Inspector Rae, I gave consideration to the contents of the report and the options that were put forward by Inspector Townsend. I decided that it would be appropriate for such an investigation to be undertaken and I subsequently allocated the file to Lake Macquarie LAC.
9. On 18 August 2010, the Crime Manager, Lake Macquarie LAC, put forward a submission to reconsider the allocation of the investigation to their LAC.
10. Having regard to the further information received, I formed the view that the Newcastle City Local Area Command would be in a better position to be able to carry out the necessary investigations into the allegations because of better resourcing and the offences were alleged to have occurred in their area.
11. Whilst noting the matters raised in Inspector Townsend's report as to the discretionary factors that would favour not proceeding with an investigation, my ultimate decision was that, taking into account all considerations, the matter should be further investigated. It was for this reason that I made the notation on the document, on 1 September 2010, as follows:

Initial statements to be taken to ascertain the extent of the brief to then assess the appropriateness of potential involvement of SCC. Commander to identify an appropriately skilled investigator to undertake initial tasks.

The file and report provides some comprehensive background. Consideration might be taken in utilising SCC in an advisory capacity to assist if matter is transferred at appropriate time.

12. When considering how the investigation was to be conducted, my view was that a Strike Force should be set up so as to allow a concentrated effort to be made in terms of the investigation. I also wanted to ensure that there would be adequate resourcing for any investigation to be carried out. I considered that it should be left open for consideration for the potential involvement of the State Crime Command (SCC). It may become necessary for the Strike Force to either obtain outside assistance, or in the event that as the investigation progressed, it became too large for the Newcastle City Local Area Command to continue with, consideration would be given to requesting SCC take charge of the investigation.
13. On 1 September 2010 I gave approval for the investigation to commence by way of a Strike Force being established. Based upon usual procedure and to my knowledge, the terms of reference for the Strike Force were to be established and were as determined by the appropriate senior officers within the Newcastle City Local Area Command for my approval. When the terms of reference in their final form were presented, I agreed to the terms as suggested. Annexed to this statement and marked with the letter "B" are the initial terms of reference for Strike Force Lantle. I am now aware the establishment of Strike Force Lantle, Terms of Reference and the Investigation Plan were reviewed by Detective Inspector Paul Jacob, Manager Sex Crimes Squad, State Crime Command and were supported.
14. After Strike Force Lantle was established, I did not play any active role in its management or progress from an operational perspective. Further, in terms of the selection of police personnel who were to be attached to Strike Force Lantle, I was not responsible for filling those positions. This was left to the appropriate senior officers attached to the Newcastle City Local Area Command.
15. At the time of the establishment of Strike Force Lantle, to my knowledge there were no current investigations being conducted with respect to the alleged victims (AL, AK Peter Gogarty and AS) by any Police Officer.
16. On 25 November 2010, Detective Chief Inspector Fox submitted a report dealing with the issue of allegations of child sexual abuse and cover-up within the Maitland-Newcastle Diocese of the Catholic Church. The contents of this report indicated that Detective Chief Inspector Fox appeared to have documentation and information in his possession that would have been of assistance to Strike Force Lantle investigators. In this report, Detective Chief Inspector Fox also requested that consideration be given to the establishment of a Task Force to undertake a full investigation with respect to the allegations that had been made. Annexed to this statement and marked with the letter "C" is a true copy of the report of Detective Chief Inspector Fox of 25 November 2010.
17. Upon my receipt and reading of this report, and after giving consideration to the contents, it was my view that it was appropriate that the investigations by Strike Force Lantle should continue, with the Newcastle City Local Area Command being responsible for that investigation. I considered Detective Chief Inspector Fox's request for a Task Force to be an investigation with committed resources, therefore the establishment of Strike Force Lantle had already fulfilled that requirement. I did not consider that it was necessary for the establishment of a further

investigative body. I made this decision having regard to the allegations which Strike Force Lantle was investigating, and the fact that I believed that the Strike Force was being adequately resourced at the time and was being conducted in an appropriate manner. Should it have transpired that Strike Force Lantle was having difficulty for any reason in carrying out the investigations then consideration could be given at the appropriate time for additional assistance or resourcing to take place. If required a review would also take place as to whether or not the matter required referral to State Crime Command.

18. I have been made aware that there was a meeting held on 2 December 2010 involving officers from Newcastle City LAC and Detective Chief Inspector Fox. I was not present at the meeting and can rely solely on information provided to me by other officers, as to what instructions and/or directions were issued to police officers in attendance at the meeting. Similarly, I can only rely on information provided to me by other police officers, as to the reasons why any such instructions and/or directions were issued to those present. I am also aware that an investigator's note was prepared after that meeting was concluded on that date. At a much later point of time, I sighted the contents of that investigator's note. Thus, what I say in this statement in relation to the instruction and/or directions given at that meeting is also based in-part on the contents of that document. Annexed to this statement and marked with the letter "D" is a copy of the notes relating to the meeting that were sighted by myself.
19. At this meeting Detective Chief Inspector Fox was requested to hand over documentation in his possession which may have been of assistance to Strike Force Lantle. I also understand that instructions were given to the officers present, in terms of preventing the supply of any information by police officers to any media journalist. In my opinion, any such instructions given were reasonable at the time and remain appropriate.
20. Following the announcement of the Special Commission I caused enquiries to be carried out by officers within my Region Office for any records of any relevant investigations being conducted by Detective Chief Inspector Fox in police repositories, including COPS and E@glei. I was advised there were no relevant records found. At some stage during the term of Strike Force Lantle I became aware that Detective Chief Inspector Fox may have had some involvement in taking initial statements from some alleged victims. I am not sure whether this was before or after I received a report offering his assistance to the Strike Force dated 25 November 2010. However it was not prior to the establishment of Strike Force Lantle.
21. At the time of the establishing Strike Force Lantle, Detective Chief Inspector Fox was the Crime Manager attached to the Port Stephens Local Area Command. In that capacity, he was responsible for carrying out a number of functions and duties as the Crime Manager in that Command. I considered it appropriate that the investigators attached to Strike Force Lantle should seek such assistance from Detective Chief Inspector Fox as was necessary, so as to enable them to carry out their investigatory functions. Detective Chief Inspector Fox had stated in his report of 25 November 2010, "I remain objective but passionate to assist with any inquiry or investigation".
22. I would also consider it appropriate that Detective Chief Inspector Fox, being in possession of such material, would hand over all documents in his possession so as to assist those investigators. These documents always remain the property of the NSW Police Force.

23. It was clear that in order for Strike Force Lantle investigators to ensure that an adequate investigation be carried out, all known information and documentation should be provided to them so that it could be assessed. For this reason, throughout the period of Strike Force Lantle's investigations, I supported and continued to support any instruction or direction given to Detective Chief Inspector Fox to hand over the material.
24. The report prepared by Detective Chief Inspector Fox (dated 25 November 2010) indicated to me that he was enthusiastic and passionate to assist with any inquiry or investigation being carried out by the Strike Force. For my part, I did not take the contents of his report to be a request by him to join the Strike Force itself. Had I received a direct request for him to join the Strike Force, the circumstances would have needed to be extreme for me to override any decisions made by the senior officers responsible for the personnel of the Strike Force at Newcastle City Local Area Command, and to consider his inclusion in the Strike Force, for the following reasons:
- (a) Detective Chief Inspector Fox was a Crime Manager at a Local Area Command with limited resources and I believe that I would have encountered difficulty in taking him off-line from the responsibilities that he had with respect to that role.
 - (b) Newcastle City Local Area Command already had a Detective Inspector overseeing the investigation with staff who I considered suitable to undertake that role.
 - (c) Unlike most commands, Newcastle City Local Area Command had greater capacity at the level of Detective Inspector, as the command also had a Crime Manager who was not directly overseeing investigations.
25. Additionally, I can indicate that, in normal circumstances, it would not be my role to actively engage in any day-to-day management of the operations of a Strike Force, such as Strike Force Lantle. Any operational decisions would be left to the senior officers within the Local Area Command.
26. I did not consider there was any need, based on the knowledge and information that I had, to interfere with the decision-making and management process that was being undertaken by the officers responsible for Strike Force Lantle.
27. As Strike Force Lantle progressed, and to the best of my recollection, more to the latter part of the workings of the Strike Force, I was made aware that there may have been difficulties in terms of officers being able to obtain any further documentation in the possession of Detective Chief Inspector Fox.
28. I acknowledge that as the Region Commander, it was possible that I may have had conversations with officers involved with Strike Force Lantle relating to Detective Chief Inspector Fox's involvement with the Strike Force and their repeated attempts to elicit further information for the investigation. I have no recollection of any specific conversation and am largely reliant on the terms of communications contained within any emails or documentation forwarded to me relating to the subject matter. Some of this material is set out in the following parts of my statement. **Annexed to this statement and marked with the letter "E"** is a copy of an email forwarded by Acting Commander Humphrey at 1.18pm of Wednesday, 13 October 2010 to Superintendent Haggett.

29. **Annexed to this statement and marked with the letter "F" is a copy of a report prepared by Acting Commander Wayne Humphrey and signed-off on 21 April 2011. I confirm that I received such a report at that time and gave due consideration to its contents. It is my recollection that prior to receipt of this status report and following enquiries from the media, I had requested Superintendent Max Mitchell ensure adequate resources were provided to the Strike Force following the departure of a number of criminal investigators previously allocated.**
30. **Annexed to this statement and marked with the letter "G" is a copy of an email forwarded by Detective Chief Inspector Fox to Superintendent Gralton and others, including myself, forwarded at 15:57 on 26 March 2012. I then responded to Detective Chief Inspector Fox at 16:40 on the same date indicating: "Peter, I note I have been copied into the email. I will be leaving it to Superintendent Gralton to deal with in the first instance." Also contained within the annexure are further emails, including an email forwarded from me to Superintendent Gralton indicating that I was satisfied with the draft response provided by Superintendent Gralton to Detective Chief Inspector Fox's inquiry as well as Superintendent Gralton's email to Detective Chief Inspector Fox on 30 March 2012.**
31. **Based on the contents of the emails, and the information which was then available to me, I considered it appropriate that any directions previously given to Detective Chief Inspector Fox by other police officers relating to his handing-over of documentation relevant to the workings of Strike Force Lantle remain current. By that stage, having regard to the events as they had developed up until that point of time, I had been made aware that there may have been an issue of Detective Chief Inspector Fox not having handed over all relevant documents as had been requested of him, and that there was a possibility that he may have been providing information to members of the media.**
32. **In my email at 12:19 on 24 September 2012 I requested Superintendent Gralton to make inquiries with the Command nominated by Detective Chief Inspector Fox as his point of contact with the NSW Police to ensure any action taken was not detrimental to his health. As my email at 15:10 on 24 September 2012 indicates, I agreed that we should not forward the draft letter to Detective Chief Inspector Fox for the reasons as set out within the body of the email. One of the concerns that occupied my mind at the time related to ensuring that Detective Chief Inspector Fox's general welfare was not threatened or compromised. In particular, I had this concern because in my role as Commander of the Northern region, I was aware that Detective Chief Inspector Fox had been on a number of periods of leave due to sickness or ill-health including, at the time, a psychological injury.**
33. **Annexed to this statement and marked with the letter "H" is a copy of the following emails:**
- (a) **Email from myself to Superintendent Gralton timed and dated 12:19 on 24 September 2012**
 - (b) **Email from Superintendent Gralton to Detective Inspector Lewis timed and dated 12:38 on 24 September 2012.**
 - (c) **Email from Detective Lewis to Superintendent Gralton sent at 13:36 on 24 September 2012.**
 - (d) **Email forwarded by Superintendent Gralton to myself at 15:01 on 24 September 2012.**

- (e) Response made by myself to Superintendent Grallon at 15:10 on 24 September 2012.

Annexed to this statement and marked with the letter "I" is a copy of the draft letter referred to in the emails.

34. To the best of my recollection, the matters referred to in my statement set out, my knowledge of any instructions and/or directions given to Detective Chief Inspector Fox with respect to the handing-over of documentation and information to members of Strike Force Lantle. It also includes any involvement I may have had in reaffirming any instruction or direction relevant to the first Term of Reference of the Special Commission of Inquiry.

35. I refer to the report dated 25 November 2010 submitted by Detective Chief Inspector Fox, being annexure "C". Upon the reading of this report, it seemed apparent to me that Detective Chief Inspector Fox may in fact have been undertaking some form of investigative processes with respect to child sexual assault victims. My expectation and that of the NSWPF investigative processes would dictate that the following occurred:

- (a) That any supervising officer of an investigator be informed of any investigation. This would ensure the investigation would be oversights to ensure progress was being made, resources were reviewed, workload of individual officers was assessed and continuation of the investigation was appropriate.
- (b) That case management processes be commenced on the NSWPF repositories.
- (c) There would be regular briefing notes and status reports provided to superior officers.
- (d) Adequate resources, at a minimum a corroborating officer, be assigned to assist with the investigation.

Based on the information provided to me and enquiries I caused, I am not aware of any evidence that these processes had occurred.

36. From other information provided to me, it would appear that despite attempts by members of Strike Force Lantle and other senior police officers, Detective Chief Inspector Fox provided little, if any, relevant evidence or information that was able to progress their inquiries. Difficulties encountered by members of Strike Force Lantle and other senior officers, in attempting to obtain documentation from Detective Chief Inspector Fox that may assist the investigation, have been referred to previously in this statement. They are also referred to in a report which I requested Detective Inspector Parker to prepare. Annexed to this statement and marked with the letter "J" is a copy of a report prepared by Detective Inspector Graeme Parker, dated 19 November 2012.

37. Based on my knowledge in the establishment of Strike Force Lantle, and the information provided to me by police officers involved in the management of Strike Force Lantle, it is my view that the Strike Force was appropriately staffed and resourced. The outcome of Strike Force Lantle was that a comprehensive brief was prepared and forwarded to the Office of the Director of Public Prosecutions to provide advice as to any legal actions appropriate.

Signed

Signature of *Carlene Anne York*

15/2/13
Date



"A"

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ISSUE

Allegations of conceal serious offence by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church.

1. Investigation of these allegations by the NSW Police Force.
2. Public Interest considerations in the decision to initiate investigations and/or criminal proceedings in relation to these allegations.

BACKGROUND

Overview

The file principally relates to allegations that in 1995 members of the Maitland Newcastle Diocese of the Catholic Church became aware of serious allegations of sexual abuse on children by one of its priests Father Dennis McAlinden (now deceased) and failed to report that information to police. Instead they took action to have McAlinden removed as a priest (referred to as defrocking but a complex procedure pursuant to Canon Law).

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The file also identifies other clergy who may be involved in concealing serious offences including the Redacted at Commissioner's direction Father Brian Lucas, Allan Hart, former nun Paula Redgrave (or Redgrave) and Father W Buisson. The principal allegations also disclose significant involvement by the former Bishop of the Maitland Newcastle Diocese, Bishop Leo Clarke, who is now deceased.

At the same time this information in relation to McAlinden's conduct was disclosed to the principal clergy implicated above police were conducting a high profile investigation and prosecution of another member of the same Diocese Father Vince Ryan and investigating Monsignor Patrick Cotter, for concealing that offence.

Documentation in the file in relation to another victim also makes allegations that he was sexually assaulted by Father James Fletcher in 1975 and as a result Fletcher was moved to a remote parish in Diocese.

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There is wide on going public interest in the issue which has received extensive media coverage and comment by the Newcastle Herald and the ABC. Overarching this is a positive change in the manner in which the Catholic Church deals with allegations of Sexual Abuse since the principal allegations in this file came to light in 1995.

Most of the documents in this file have been forwarded to Lake Macquarie LAC by Newcastle Herald Journalist Joanne McCarthy apparently on behalf of three victims who are calling for an investigation. I say apparently as their letters of complaint are unsigned. Lake Macquarie LAC conducted a long running investigation, Strike Force Georgiana, into allegations of sexual assault by members of the Catholic Church. The allegations in this file do not come within the terms of reference of that investigation which is now closed.

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THIS IS THE ANNEXURE MARKED "A"
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS 15 DAY OF February 2013
Signed

Redacted at Commissioner's direction

On 19 October 1995 Bishop Clarke drafted a declaration that he was satisfied from evidence that Father McAlinden was impeded to exercise holy orders pursuant to Canon Law. The declaration indicated that McAlinden had been made aware of the evidence and had presented a defence. This had not occurred therefore the declaration was in draft form only.

Also on 19 October 1995 a letter was sent to McAlinden at Jollimont in Western Australia from Bishop Clarke indicating that after discussing the issues with Bishop Malone and the Deans, and in light of his admission to Father Brian Lucas he would begin the process to declare that he had an impediment to the exercise of orders. In other words his removal as a priest. The process was outlined and in particular McAlinden was informed that his good name would be protected by the confidential nature of the process and he would be given appropriate support by the Diocese of Maitland Newcastle. Bishop urges McAlinden for the "sake of souls" and "the good of the church" to cooperate in the process to enable it to be speedily resolved as some people were threatening seriously to take the whole matter to the police.

On 26 October 1995 a handwritten letter was forwarded from McAlinden to Bishop Clarke acknowledging the letter of 19 October 1995. He indicates in the letter that he had just returned from hospital after surgery and that he was not mentally or physically fit to respond. He indicates the contents of the letter was in conflict with early correspondence received when he was in the Philippines to live as a retired priest, that it is a continuation of a vendetta to have him removed by Allan Hart, that the information he had disclosed to Brian Lucas was confidential and had been disclosed. He seeks further time to respond.

On 2 November 1995 Bishop Michael Malone forwarded a letter to McAlinden indicating that Bishop Clarke had resigned from his position and that he had become the Bishop of the Maitland Newcastle Diocese. He refers the McAlinden's letter of 26 October 1995 (above). He states because of the gravity of the allegations, the evidence supporting those allegations and after a full consultation with Bishop Clarke over many months that he would continue the process to have him removed. He states the evidence supporting the decision would be forwarded to him and that he would have 15 days make a response. He emphasises the seriousness of the allegations and the real possibility of police intervention.

It is apparent that McAlinden does not respond and the process stalls. On 10 August 1999 a letter is sent to McAlinden by the Vicar General W Burston to an address in England urging him to get in contact with him on his return to Australia. On the same date Burston also writes to Mr John Davoren of the Professional Standards Group of

the Catholic Church notifying him that McAlinden has been accused of child sexual assault by relatives of the children. He expresses the belief that there are other victims however there is no indication they wish to take the matter to the police. He refers to a letter disclosing a court case in Perth. He suggests the matter should be reported to police as intelligence. He also indicates a belief that McAlinden was in England celebrating his golden jubilee despite the fact his facilities had been removed in 1993 and that he may return to the Bunbury Region of Western Australia late in that month.

Information Report I7885027 relating to information apparently received on 18 November 1999 is consistent with the information disclosed above; It was received from the Professional Standards Office of the Catholic Church, that McAlinden is residing in England but will be returning to the Bunbury area in Western Australia, that he was a former Catholic Priest removed in 1993,

Redacted at Commissioner's direction No details of victims, times and dates of offences were supplied. The information was apparently from an anonymous informant who was not wishing to make a formal complaint. It was marked for information only and to be forwarded to Bunbury Police in Western Australia.

On 4 March 2003 in an email John Davoren notifies Bishop Michael Malone that on that day he has notified the police of the complaints received against McAlinden.

Information Report I17256624 dated 15 March 2003 indicates that information was received that McAlinden was involved in child sexual assaults at the Merriwa Parish on an unknown date in the 1980's and that Catholic Church authorities were made aware of the allegations and as a result he was relocated. The victim's family were told not to bother the police with these matters and that they (the church) would take care of it. It was noted that McAlinden was permitted to continue preaching until 1993 when he was removed from the church in 1993. It is also noted that the RCL has a first instance warrant has been issued for an offence committed in 1951 which was issued in 1999. The report further indicates two other cases involving different victims makes the report accurate. The report details his ties in the community, description, that he is a habitual child sex offender and that he has been charged in Western Australia.

Joanne McCarthy in compiling her news reports has sought comment from Bishop Michael Malone, REDACTED and Father Brian Lucas. She also has documented the contents of a statement made by Bishop Malone in 2007 acknowledging all victims of abuse by church personnel including Father Dennis McAlinden.

Bishop Malone forwarded a letter to Joanne McCarthy on 13 April 2010 where he states "I am on record with your paper and others, saying that I could have handled earlier matters of historical sexual assault better..... Mistakes were made but we have moved forward" He also outlines efforts have undertaken to improve its response including the "Towards Healing Protocols", the establishment of Zimmerman House a specialist child protection unit and his cooperation with Strike Force Georgiana.

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Father Lucas indicates he has no memory of discussions with McAlinden.

Background of McAlinden

The alleged perpetrator of these offences was former Priest Denis McAlinden who passed away on 30 November 2005 in Western Australia. McAlinden is the subject of 2 Events, 2 Cases and 8 Information Reports in New South Wales related to the sexual assault of children over many years.

In 1999 a warrant was issued for his arrest for an allegation of Sexual Assault upon an 11 year old child in 1953 while he was serving as the assistant Parish Priest at Raymond Terrace. The offence was reported the same year.

The warrant was never executed and was later revoked on 8/1/2008 after the death of the deceased. Case file information indicates that McAlinden left Australia and travelled overseas to England to live. An Information report, referred to below, indicates that he returned to Western Australia in 1999. A case note indicates that the warrant was not progressed by way of extradition because McAlinden's ill health as he was suffering from and subsequently died of cancer in 2005.

Check of COPs records pertaining to Western Australia indicates that McAlinden was charged and acquitted with child sexual assault in 1991.

A report Newcastle Herald on 28 April 2010 sets out the background of McAlinden:

- Aged 26 arrives in Australia from Ireland and is sent to Parishes in the Maitland Newcastle Diocese
- 1969 works in Papua New Guinea till 1974.
- Sent to Western Australia Pilbara Region in 1982 and New Zealand in 1984.
- 1988 returns to Bunbury area in Western Australia.
- 1992 charged with Sexual Assault on a 10 year old girl and is acquitted.
- 1993 is not allowed to act as a Priest.
- 1995 spends time in the Philippines.
- 1999 travels to England.
- 2005 dies in Western Australia in a church hospice.

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Information Report II7256624 as indicated above records allegations that Father McAlinden had been involved in the sexual assault of young females over a period of time while he was a priest at Merrivale and that he had been relocated as a result of the allegations and the victims were discouraged from reporting the matters to police and it would be dealt with by the church. The report indicates that he was permitted to continue in his role as a priest despite the existence of the allegations to 1993.

COMMENT

General Comment

The attached file makes a number of allegations that known persons who are still alive have concealed the commission on serious offences. The allegations relate to the conduct of the now deceased priests Dennis McAlinden and James Fletcher. Three of the alleged victims urge police to conduct an investigation into the matter. This review of these allegations can be distinguished in terms of the apparent evidence available against each person named and the principal offender.

Defrocking of McAlinden

In relation to the allegations raised by: AL & AK
there appears to be evidence readily available in the form of their direct evidence and other documentation contained within this file that in 1995 REDACTED and Bishop Michael Malone had direct knowledge that Father Dennis McAlinden had committed offences of child sexual assault. Whilst the gathering of and corroboration of this evidence may be problematic it would seem relatively straight forward.
REDACTED has taken the statements from the sisters and has administered the process of removing McAlinden as a priest on behalf of the late Bishop Leo Clark. It is apparent that activities of McAlinden were at least suspected before the statements were made because Bishop Clarke authorises REDACTED role in the matter before they were taken. Bishop Michael Malone has continued the process after Bishop Clarke's resignation shortly after the process began and a review of the documentation in the file leads to the inevitable conclusion he had detailed knowledge of the allegations raised by the sisters and McAlinden's background. He is also apparently aware and concerned that the allegations could be taken to the police. It is apparent that the allegations against McAlinden were not reported by the Catholic Church to police until the informal report in 1999 and the more formal report in 2003.

There is also evidence that Father Brian Lucas had knowledge of McAlinden's offences by reference in the documentation that McAlinden had made admissions to him. There is no direct admissible evidence in relation to this allegation and this would require further investigation. Other persons are implicated in the file in relation to allegations that relate directly to McAlinden, including Allan Hart, W Burston and Paula Redgrove, by reference to the fact they had some knowledge of his offences.

However like the allegations against Lucas they would need considerable further investigation.

Redacted at Commissioner's direction

Section 316 of the Crimes Act (NSW) 1900

In making comment in relation to the applicability of this Section I will substantially confine my discussion to the disclosures made by *AK & AL* as those facts are readily evident. The facts in relation to the other allegations are not as discernable.

It is important to note that the Section 316 was enacted in 1990 and replaced the previous common law offence of "Misprision of Felony" which was made redundant by the same legislation. This is an important consideration as some elements of the allegations made in the file pre-date this date.

Redacted at Commissioner's direction

However an argument could be raised that any person with knowledge of a serious indictable offence would have a continuing obligation to disclose it to the police. This would make any prosecution problematic.

Clearly the events of 1995 would come within the ambit of the section. There is no clear indication when Father Brian Lucas may have taken the admissions from McAinden (assuming this could be proven) though it appears they were taken 1995.

Section 316(1) states;

"If a person has committed a serious indictable offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years."

The Section requires proof of 4 conjunctive elements to satisfy its threshold requirements. These elements include elements of actus reus and mens rea.

1. That another person has committed a serious indictable offence;
2. The accused person knows or believes such offence was committed and
3. The accused person has information which might be of material assistance in securing the apprehension, or the prosecution or conviction of that other person, and
4. The accused person has failed to bring such information to the attention of a member of the Police Force or other appropriate authority.

The first issue that will require consideration is the commission of a serious indictable offence. A serious indictable offence is an offence that is punishable by imprisonment of 5 years or more or life. This is important because the offences disclosed in 1995 were historical. This relevant because the Crimes Act has undergone a series of amendments and the penalties and sections that were applicable over the years have changed. It could be argued that penalty that was applicable when the offence occurred should be used to determine whether it was a serious indictable offence within the meaning of the section. Alternately it may be argued that penalty applicable at the time the accused person knew or believed the offence occurred should be applied.

To determine this further clarification from the alleged victims will be necessary to determine when the offences occurred and the nature of allegations. A review of the statements that were made by AK and AL in 1995 would only appear to disclose Indecent Assaults upon a child under 16 years of age. Prior to 14 July 1981 the applicable offence would be Section 76 "Indecent Assault of Female" which carried a penalty of 6 years. Between 17 July 1981 and 17 March 1991 the applicable offence would be Section 61E "Sexual Assault Category 4, Indecent Assault" which carried a penalty of 6 years if the victim was under the age of 16 years and is under the authority of that person. After 17 March 1991 the applicable offence would be Section 61M "Aggravated (Victim under 16 years) Indecent Assault" which carries a penalty of 7 years.

It would seem that on either basis the offences disclosed by AL + AK in 1995 would be a serious indictable offences.

Any prosecution would have to establish that the accused person knew or believed that an offence had occurred. This requires evidence of state of mind. The contents of both AK @ AL statements speak from themselves

Redacted at Commissioner's direction

A further requirement is the information would have to be of material assistance. This is an objective test and a clear statement that a sexual assault had occurred would on any assessment meet this requirement.

Finally there must be a failure to bring this information to the attention of a member of a Police Force or other appropriate authority. The information became known in 1995 in the form of statements about actual events involving the commission of offences by McAlinden. It is not clear whether the contents of the statements were ever brought to the attention of the NSW Police Force before they were forwarded to Detective Inspector Waddell. There is some evidence that some information in relation to McAlinden was supplied to police in 1999 and 2003. This aspect would require further investigation and clarification.

Another important consideration is the requirements of Section 316(4) which states the approval of the Attorney General must given before a prosecution can be commenced against a person of a prescribed profession, calling or vocation for this

offence. The Crimes (General) Regulation 2005 Clause 6(f) prescribes a member of the clergy of any church or religious denomination for the purpose of Section 316(4) as people practising relevant professions, calling or vocations. It is clear that the Attorney General would have to sanction any prosecution against Redacted Bishop Malone or other clergy identified in any investigation for an offence pursuant to Section 316.

In summary it could be said that there does appear to be some evidence available in relation to the disclosures by AL & AK in 1995 concerning McAinden that members of the Catholic Church have concealed serious offences. There is some suggestion that some of these known persons have awareness of other offences committed by other priests which were not brought to the attention of the NSW Police Force. All matters require further investigation. If any investigation discloses evidence where it could be said a properly instructed jury is likely to be satisfied beyond a reasonable doubt then approval would have to be obtained from the Attorney General before any prosecution could be commenced.

Public Interest

However the real question that has to be decided is whether it is in the public interest that there is an investigation into the matter or after an investigation, assuming sufficient evidence is identified to establish an offence against a member of the Catholic Church for concealing a serious offence and the Attorney General approves a prosecution, whether criminal proceedings are instituted.

Guidance in relation to this matter can be found in the NSW Police Force withdrawal policy which has adopted guidelines for "The decision to Prosecute" from the DPP as attached. It is clear the public interest is the dominate consideration in making that decision.

The first two considerations are whether there is sufficient admissible evidence available and that there is a reasonable prospect of securing a conviction. The third consideration is whether or not discretionary factors nevertheless dictate that the matter should not proceed in the public interest.

The third consideration takes into account 23 factors which are attached. I have highlighted a number of those factors that I feel are important in making a decision in relation to whether or not the NSW Police Force should expend its finite resources to undertake an investigation into this matter and if so assuming there is sufficient evidence whether it should institute criminal proceedings.

Discretionary Factors that would Favour Proceeding

- The seriousness as opposed to the triviality of the offence.
- Whether the offence is of considerable general public concern.
- The necessity to maintain public confidence in such basic institutions as the Parliament and the Courts.
- The prevalence of the alleged offence and need for deterrence, both personal and general.
- The attitude of the victim's to the prosecution.

Discretionary Factors that would Favour Not Proceeding

- Whether or not the prosecution would be perceived as counter-productive; for example, by bringing the law into disrepute.
- Special circumstances that would prevent a fair trial from being conducted.
- The staleness of the alleged offence.
- The availability and efficacy of any alternatives to prosecution.
- The likely outcomes in the event of a finding of guilt, having regard to the sentencing options available to the court.
- Whether or not the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.
- The degree of culpability of the alleged offender in connection with the offence.
- Any mitigating factor.
- The alleged offender's antecedents and background.
- The attitude of the alleged victim.
- Any entitlement or liability of a victim or other person or body to criminal compensation, reparation or forfeiture if a prosecution is undertaken.
- Whether or not the Attorney General's consent is required to prosecute.

The guidelines also indicate that a decision whether or not to proceed must not be influenced by:

- (i) *The race, religion, sex, national origin, social affiliation or political associations, activities or beliefs of the alleged offender or any other person involved (unless they have special significance to the commission of the particular offence or should otherwise be taken into account objectively)*
- (ii) *Personal feelings of the prosecutor concerning the offence, the alleged offender or a victim;*
- (iii) *Possible political advantage or disadvantage to the government of any political party, group or individual;*
- (iv) *The possible effect of the decision on the personal or professional circumstances of those responsible for the prosecution or otherwise involved in its conduct; or*
- (v) *Possible media or community reaction to the decision.*

It is recognised that the resources available for prosecuting are finite and should not be expended pursuing inappropriate cases. Alternatives to prosecution, including diversionary procedures, should always be considered.

It should be said at the outset that there would be enormous media and public interest in any investigation and/or prosecution. The news print stories in this file are self-evident of that. This arises because of the involvement of the Catholic Church and more so because two of the person's identified are leaders in that church. This of itself raises issues of advantage and/or disadvantage to groups, impact upon the personal and professional circumstances of those responsible for the prosecution and wide media and community reaction. These factors of themselves are not relevant.

Comment on Factors Favouring an Investigation/Prosecution

The concealing of offences relating to child sexual assault is particularly serious where the offences are alleged to have been committed by persons who are in a position of trust. There is a strong public interest that these matters are reported to the police in a timely manner to ensure they are properly and fairly investigated. Delay creates a forensic disadvantage to the investigators. General deterrence against persons who fail to report is an important factor. There is little doubt that there is wide general public concern about the Catholic Church covering up allegations of sexual abuse by priests. This would arise because it could allow the alleged offender to continue their offending behaviour and the reputation of the church could be seen as having greater importance than the rights of the victims. The seriousness of the allegations is aggravated by the fact that police were conducting investigations into the concealment of offences by another member of the church about the same time clear evidence of the conduct of McAinden was disclosed. It is also apparent that some of those involved were well aware and concerned that the matter could be referred to the police. It now appears that the victim's would strongly favour and urge an investigation and/or prosecution to occur.

Comment on Factors Not Favouring an Investigation/Prosecution

The offence is alleged to have occurred in 1995. Although it could be seen as continuing in nature that is almost 15 years ago and could be seen as stale. The wide media coverage and community debate that would flow from any prosecution could potentially prevent any alleged offender from receiving a fair trial. Having regard to the antecedents and position of the alleged offenders and the circumstances surrounding the commission of the offence it is probable that any penalty imposed would be minimal. On the other hand the resulting public scrutiny of the alleged offenders particularly should they be convicted having regard to their office could be seen as harsh and oppressive.

Redacted at Commissioner's direction

Bishop Malone was continuing a process begun by Bishop Clarke. Bishop Clarke in this sense had the authority to report the matters to police. He is now deceased. It would appear that the manner in which the Catholic Church deals with these matters has substantially changed since 1995. This includes the "Towards Healing" process and procedure, Bishop Malone's co-operation with *Strike Force Georgiana* and his involvement in *Zimmerman House*. The fact alleged offenders were in fact actually taking steps to remove him from the church could also be seen as a mitigating factor. Investigating and prosecuting persons with this background and in these circumstances could potentially bring the law into disrepute. It also appears that the victim's attitude in 1995 was that the matter should not be reported to police. This obviously needs to be clarified. In these circumstances an investigation and/or prosecution could be seen as harsh and oppressive. The fact that the victim's may have been already compensated by the Catholic Church and would have not lost their entitlement to criminal compensation could also be relevant. The fact the Attorney General has to authorise any prosecution is indicative of the caution that must be undertaken before one is commenced. Finally the availability of an alternate to the criminal process via the "Towards Healing" process would mitigate against embarking on this course of action.

Final Comment

A decision needs to be made at an Executive Level about how the New South Wales Police Force respond to these allegations as any decision undertaken will undergo close public scrutiny. This decision would need to be made at an early stage as it is likely that any investigation and subsequent prosecution would costly and protracted.

It would assist in making an informed decision that some preliminary matters are clarified with the principle complainants in this matter, AL & AK, including their attitudes to reporting the matters to the police in 1995 and when the offences by McAlinden occurred.

The options available are;

1. Refer the file to an appropriate unit of the NSW Police Force for a full investigation and then seek legal advice in relation to whether there is sufficient evidence to institute criminal proceedings and if so place the matter before the Attorney General for authorisation.
2. Undertake preliminary enquiries with AL & AK to clarify the matters above and then make a decision about whether the matters should be fully investigated.
3. Decline to investigate the allegations contained in this file.

RECOMMENDATION

Forwarded for the information and attention of the Commander of Northern Region.

Signed

Anthony Townsend
Inspector
Operations Manager
Northern Region
12 July 2010

1. The Commander Northern Region

Initial statements to be taken to ascertain the extent of the brief to then assess the appropriateness of potential involvement of SCC. Commanders to identify an appropriately skilled investigator to undertake initial enquiries. The file + report provided some comprehensive background. Consideration might be taken in advising SCC as in an advisory capacity to assist if matter is transferred at appropriate time.

Signed
K.C. 1/9/10.

2. Commander, Newcastle *1/9/10*

"B"

**NSW POLICE SERVICE
Newcastle City**

Terms of Reference

CASE TITLE: Conceal Serious Offence by Clergy Members
STRIKE FORCE: S/F LANTLE

To: Detective Sergeant STEEL

You are hereby directed to take command of a Strike Force code named S/F LANTLE with the following Terms of Reference: -

Investigate allegations of concealing serious offence by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church stemming from complaints made by *AL* / *AK* and Peter GOGARTY.

The following personnel have been assigned to the investigation:

Detective Sergeant STEEL
Detective Senior Constable Jason FRENEY

THIS IS THE ANNEXURE MARKED "B"
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS *15th* DAY OF *February* 2013

Additional staff will be allocated as required upon request.

Signed

THE INVESTIGATION WILL:

1. Be commanded by Detective Sergeant STEEL.
2. During the course of the investigation all staff will report to Detective Sergeant STEEL who will be accountable for all operational and administrative decisions (i.e. deployment of staff, overtime, reports, diaries etc).
3. Be conducted in accordance with the Police Service 'Code of Conduct and Ethics'. Any information concerning corrupt and/or unethical conduct, including conflicts of interest, whether involving your staff or others, will be reported in writing immediately to the Detective Chief Inspector TAYLER.

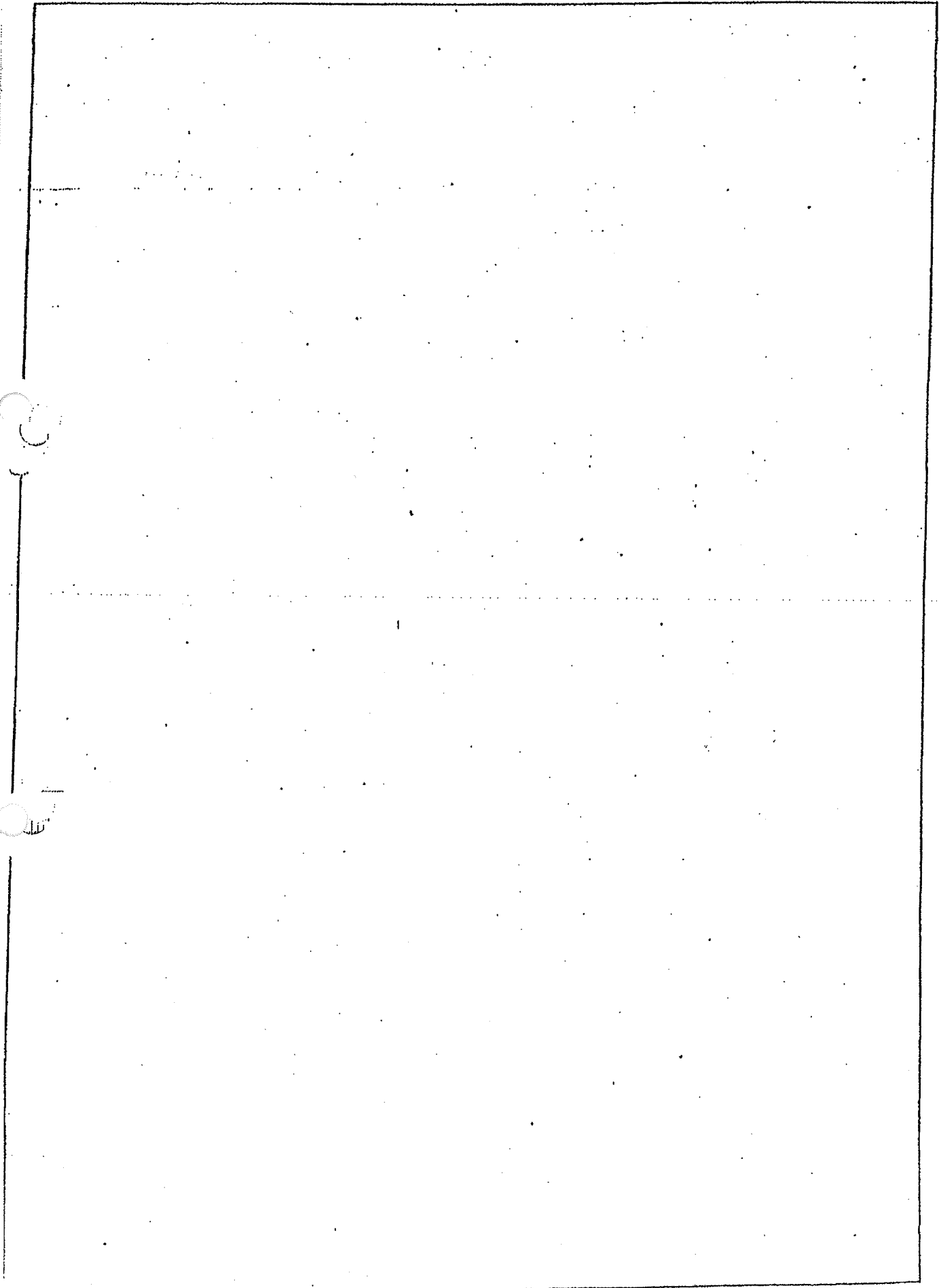
- 4. Utilise e@gle.i for information/intelligence/case management purposes.
- 5. Utilise vehicle/s strictly in accordance with the NSW Police Service Handbook.

YOU WILL:

- 1. Ensure that Corruption Prevention risk management strategies, including informant management practices, are established, effectively implemented and documented, communicated clearly to staff members and continually monitored and evaluated. Identified risks will be addressed immediately and corrective action recorded.
- 2. Clearly communicate to all members of the investigation team that when they identify:
 - (a) corrupt or improper conduct on the part of team members and/or
 - (b) improper associations between police, including former police, and criminals and/or persons of interest to the investigation,

team members are to immediately notify you in writing of that corrupt and/or improper conduct or association. You will immediately notify in writing Detective Sergeant STEEL of that corrupt and/or improper conduct or association. All action taken by you must be documented.
- 3. Ensure appropriate confidentiality is maintained.
- 4. Regularly report to Detective Chief Inspector TAYLER by way of Situation Report, Progress Report and verbally as required. Your first Progress Report is due by 29 October 2010. Subsequent reports will be submitted monthly and will form the basis for a monthly review of the investigation.
- 5. Address any positive and negative aspects of the investigation in the monthly reports if urgency or impact does not require immediate notification to Detective Chief Inspector TAYLER.
- 6. Provide a comprehensive Operational Assessment at the completion of your involvement in the investigation.
- 7. You are required to read and acknowledge that you understand this document by signing hereunder.

Signature.	Signed
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"C"

NSW POLICE SERVICE

Local Area Command, Port Stephens.

0/20/197857



Raymond Terrace Stn
Ph: 0418 201581
25 November 2010.

D/20 10 197839
F20 10 1
Newcastle City LAC

ISSUE:

Allegations of child sexual abuse and cover-up within the Maitland Newcastle Diocese of the Catholic Church.

BACKGROUND:

In 1999 Detective Mark WATTERS and I investigated priest Denis McALINDEN following allegations by AE that he had sexually assaulted her as a child. The Catholic Diocese disclosed that McALINDEN was believed to be in Ireland and we were given an assurance to be notified upon his return. Incredibly the church was not in contact with McALINDEN. We took the assurances on face value and swore a warrant for McALINDEN's arrest.

In 2002 I commenced unrelated investigations of priests James FLETCHER and Desmond HARRIGAN. In 2003 I interviewed priest Vincent RYAN in Junee Gaol regarding suspected links to FLETCHER, HARRIGAN and others alleged to be involved with paedophilia in the Hunter area.

Soon after commencing investigations I learned that Bishop Michael MALONE and Vicar General James SAUNDERS had alerted FLETCHER to the police investigation and disclosed the identity of the alleged victim. This negatively impacted on the investigation and was reported to the ODPF for consideration of charges for hindering a police investigation; however it was elected not to proceed.

Bishop MALONE then refused a request by me to remove FLETCHER from his parish or restrain him from visiting schools. In defiance of my request MALONE extended FLETCHER's parish to include both the Catholic High School and Catholic Primary School in Lochinvar.

I later obtained statements from MALONE, SAUNDERS, HARRIGAN and priest William BURSTON. All had met with FLETCHER following the allegations. All those statements were remarkable for their author's poor recollection of critical conversations and smacked strongly of collusion and concealment.

It was intended to execute a search warrant for pornographic images on FLETCHER's presbytery; however I learnt FLETCHER removed a quantity of homosexual pornographic videos and magazines before this could happen. I suspected this material contained some images of young boys as mentioned by a victim. Undoubtedly this happened directly as a result of MALONE and SAUNDERS' forewarning.

I was told by a source that FLETCHER passed the mentioned pornography to priest Des HARRIGAN. HARRIGAN was heavily intoxicated when I confronted him in the presbytery at Raymond Terrace. He admitted being given homosexual pornographic magazines and videos by FLETCHER, but denied it contained illegal images of children. He claimed he owned the items and had inadvertently left them in FLETCHER's presbytery. He also said he had destroyed all these items but could give no plausible explanation why he decided to do so.

THIS IS THE ANNEXURE MARKED "C"
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS 15th DAY OF February 2013

Signed

As the investigation progressed a priest and nun approach me separately to provide statements and information. That nun was later ostracised by her Order of St Joseph at Loughinvar for assisting police and forced to leave. She has not returned to the church. The priest disclosed to me details of inner workings of the diocese and what he referred to as 'the old boys club' of Hunter priests and his suspicions. He was pivotal in having another victim come forward with critical evidence that was later instrumental in FLETCHER's ultimate conviction.

The assistance rendered by this 'good priest' led to a series of clashes between him and senior clergy including Bishop MALONE. This priest suffered considerable stress from his treatment and was moved to Sydney. He has since elected to leave the priesthood and return to another profession. I have remained in contact with both these individuals who are highly critical of the silence within the church concerning child sexual abuse.

I was aware that Bishop Leo CLARK and Priest Patrick COTTER had been interviewed by police some years prior concerning alleged concealment of Vincent RYAN's activities. Sufficient evidence existed against COTTER but it was decided not to proceed purely on the basis of his age and health. I understand that the evidence was not in question.

Detective Ann JOY and I also spoke to Leo CLARK during my investigation. We predominately discussed FLETCHER and RYAN and his possible knowledge of their activities. I then asked about McALINDEN who I still believed to be overseas. (I later learned he had already returned to Australia and was residing in a Catholic facility near Perth.) I asked CLARK, "An alleged victim of Denis McALINDEN has told us that she believes the church is aware of at least two other alleged sexual assault victims of this priest. Do you have any knowledge of that?" He said, "No. You would have to ask Michael MALONE about that."

Redacted at Commissioner's direction

I was becoming disturbed by the number of priests in the region alleged to have been involved in sexually abusing children. They were all in adjoining parishes and giving one another support. This was compounded by senior clergy interfering in investigations and potentially concealing their knowledge of crimes and admonishing those prepared to speak out. All of this caused me considerable concern.

I recorded most of this information in a number of COPS Intelligence Reports for dissemination to State Crime Command. I also forwarded two reports expressing concern that a paedophile ring possibly existed in the Maitland Newcastle Diocese and should be investigated. I have never been contacted in respect to my reports. Since that time Maitland Newcastle Priests: NP3 Tom BRENNAN, NP4 and NP have also been charged with child sex offences. I understand that others may also be under investigation.

In 2003-4 I also forwarded a series of reports and complaints to Ann BARWICK of the NSW Ombudsman's Office which conducted an investigation. I have been told their report was critical of the church but the findings cannot be made public. Nevertheless this process finally saw FLETCHER stood down by the church and prevented from accessing schools.

Page No. 2

In late 2005 I was advised by the Catholic Church that Denis McALINDEN was critically ill in a Catholic Retirement Home in Subiaco, Perth. I made inquiries regarding his possible extradition but learnt he was not able to travel and he died two weeks later. Despite the church knowing McALINDEN's whereabouts for some time I was not informed until his death was imminent.

COMMENT:

Earlier this year Joanne McCARTHY of the Newcastle Herald contacted me. She indicated a woman; ^{AS} had confided in her allegations of being sexually assaulted in the 1960's by Catholic Priest Denis McALINDEN. ^{AS} I allegedly had knowledge of a number of other women who had also been sexually assaulted including ^{AK} ^{CA}

Although I had never met with ^{AS} I had come across her name in 2003-4 when investigating FLETCHER. I was told. ^{AS} was reluctant to speak to police as her knowledge implicated a number of high ranking clergy in 'covering up' known paedophile priests. She stated I was the only police officer she would speak with as she had apparently spoken to victims of paedophile priests and their families with whom I have dealt with. I agreed to meet with ^{AS}

Redacted at Commissioner's direction

^{AK} is one of Redacted She provided me with a number of documents and a statement outlining McALINDEN sexually abusing her and ^{AL} ^{AN} and ^{AV} have also been sexually abused by McALINDEN and have never got over the trauma. ^{AK} still feels guilty at not being able to protect ^{AN} and ^{AV}

Redacted at Commissioner's direction

Redacted at Commissioner's direction

Documents in possession of AK and the statement of AJ confirm without a doubt that retired Bishop Leo CLARK knew of a number of McALINDEN's victims. He knew of the serious nature of the abuse. He also knew that victims had complained of their suffering to various clergy under his direct supervision. When Detective JOY and I asked,

"An alleged victim of Denis McALINDEN has told us that she believes the church is aware of at least two other alleged sexual assault victims of this priest. Do you have any knowledge of that?"
 He said, "No. You would have to ask Michael MALONE about that."

Clearly he told us a blatant lie and concealed the names of victims known to the church. By doing so he concealed crimes that McALINDEN committed and his admissions of abuse. Worse still is the fact that CLARK knew McALINDEN was still at large and had returned to Australia with the potential to continue committing his crimes.

During my service I have had to speak to hundreds of victims of sexual assault. All of them are disturbing. Sexual assaults of children are the most abhorrent and abuse of children by the clergy is amongst the worst. To conceal such a crime is akin to condoning that behaviour. I do not believe such conduct can ever, or should ever be forgiven by the law.

Page No. 4

I have seen the pain of the victims of child sexual abuse within the Church. I have visited victims in psychiatric institutions and seen the damage it has caused their families. I spoke to a member of the Newcastle ODPP who broke down crying and was unable to continue reading a victim's statement, apologising to me when she requested to be removed from the case.

I took another statement from a mother who was unaware of years of sexual abuse her son was suffering at the hands of her family priest. As a teenager he came home in a drunken stupor. When he attempted to hang himself in the family barn his mother screamed hysterically trying to take the weight of his banding legs until another son arrived to cut him down. In desperation the family called their priest for the boy to stay overnight in his presbytery with the aim of counselling him when sobered. This priest took advantage of the situation and buggerised the boy again that night. This same priest, James FLETCHER is one of those whom fellow clergy went to such extraordinary lengths to protect.

Reprisals are another distasteful aspect of sexual abuse within the church. Some have reported to me having had their cars damaged and eggs thrown at their homes following guilty verdicts after a family member disclosed abuse. Most victims' families are devout Catholics who are surrounded by friends until someone comes forward with allegations of abuse. The family is ostracised within their community and particularly at church. They are no longer spoken to and made to feel unwelcome. They have backs blatantly turned on them until they no longer attend. Most believe this is silently condoned by other priests and perpetuates the silence of abuse in fear of speaking out.

RECOMMENDATION:

I believe there is sufficient evidence to conduct a full and comprehensive investigation into the conduct of the Maitland Newcastle Diocese of the Catholic Church. There is more than enough evidence to put before the Attorney General under section 316 of the Crimes Act to prosecute a number of clergy based on evidence already cited. I strongly believe that further investigation will only enhance such a brief and possibly disclose other offences and or offenders.

AE revealed that in the 1990's she also told the church of her abuse but nothing was done and the police were not told until she decided to do so herself. Sadly AE died in 2007 after years of counselling and psychiatric treatment resulting from her abuse. Her husband BD spoke to me this year and is more than prepared to assist with any police inquiry as the failure of the church to act has impacted negatively on the lives of his entire family. The damage done by such abuse and concealment is enormous. The passage of time should never preclude the New South Wales Police Force from protecting these families and bring persons to justice for such crimes. If we fail to investigate and prosecute such conduct the potential for it to continue remains unaltered.

Over more than a decade of investigating members of the Maitland Newcastle clergy I have built up an excellent knowledge base. I also have an extensive network of contacts within and outside the church. I have also built up a reputation and trust among victims and their families as evidenced by

AJ's approach to speak with me. I have spoken to Sister Paula REDGROVE who has also indicated her preparedness to speak with me and provide a statement of her knowledge. I remain objective but passionate to assist with any inquiry or investigation.

Page No. 5

In view of the number of priests charged over the past decade within the Maitland Newcastle Diocese I am requesting consideration be given to the establishment of a task force to undertake a full investigation. I submitted similar reports in 2004 only to see more cases of abuse disclosed since that time. My own experiences coupled with recent evidence strongly indicates that paedophilia by the clergy is widespread in the Hunter and is being concealed by experienced and senior staff within the diocese. Without intervention these crimes are likely to continue.

In order to protect victims and put a stop to these ongoing crimes I respectfully ask that this request be given favourable consideration.

Signed

Peter R FOX
Detective Chief Inspector
Crime Manager
Port Stephens Command.

1. Port Stephens Commander. The recommendations of Det Chief Inspector Fox are supported. Given the nature of these allegations, these matters appear beyond the scope of an LAC investigation & could be more appropriately dealt with by a task force. Referred to region.

Signed

Sup. of Commandant
23/11/10

2. Operations Manager Northern Region

Newcastle LAC have been allocated to investigate allegations that Malone Redacted and others failed to disclose information relating to sexual abuse of [redacted] by DCI Fox. Assessment as to appropriate resources for the investigation is to be made by Newcastle City LAC.

3. Commander Northern Region

Investigation should continue by Newcastle City LAC. Consideration will be given to additional resources at the appropriate time. To ensure all matters are considered it should be noted the Newcastle investigations are the lead role & are to continue.

Signed

IAF A Townsend
Ops Manager
Northern Region
3/12/10

4. Commander Port Stephens LAC

Notes. I have informed C/Insp Fox of this outcome.

Signed

27/11/10

5. Commander Newcastle City LAC

Case No. 6

FOR FILING & WITH INTO EMBLE.1 WITH APPROVALS
CHANGES

Signed

Wayne D. Humphrey 27/11/10
Detective Chief Inspector
Crime Manager

NSW Police

INVESTIGATOR'S NOTE

Investigation:	S/F LANTLE
Title of Note:	Case Conference in relation to S/F LANTLE

Narrative:

At 12.25pm on Thursday 2 December 2010, a meeting was held at Waratah Police Station in relation to S/F LANTLE. Officers present were:

- Supt. MITCHELL
- Supt. HAGGETT
- DOI TAYLER
- D.I. FOX
- Det. Sgt. STEEL
- Det. Sen. Con. FRENEY
- Det. Sen. Sgt. QUINN

Detective Inspector PARKER (Northern Region) arrived midway through the meeting.

Superintendent MITCHELL outlined that Newcastle City LAC has carriage of investigations relating to AL, AK and GOGERTY. This was at the direction of the Region Commander. Mr MITCHELL identified that the investigations presented a high level of risk to the organization and needed to be managed well. He acknowledged that Detective Inspector FOX had a strong background in relation to the nature of the complaints, and that for the investigation team to perform their function, it was essential that he disclose all relevant information to the team.

Inspector FOX indicated that he had compiled all relevant documents held by him, but had mistakenly left them behind. He indicated that he had no problem disclosing information held by him to the investigation team. He indicated that he would make arrangements for the documents to be presented to the investigation team. He indicated that the information available would indicate that the clergy abuse/cover up is widespread and that there is a need for a broad ranging task force to be established to investigate it. He indicated that he had recently documented this in a report to the Region Commander.

THIS IS THE ANNEXURE MARKED - D
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS 15th DAY OF February 2013

Signed



In order to control confidentiality in relation to the investigation, Supt. MITCHELL indicated that nobody was to speak to the media (including Joanne MCCARTHY) without his knowledge. Mr MITCHELL indicated that in the event police are contacted by MCCARTHY, he was to be advised.

Inspector FOX indicated that in addition to his knowledge of the AK and AL cases, he had interviewed another lady named AJ. FOX indicated that AJ had only wanted to deal with him. She is a victim and a witness and has information dating back to the 1980s about offending behaviour by high ranking members of the Catholic Church including REDACTED HART, CLARKE and LUCAS. He indicated that she was from an Inter sanctum of the Church and had been privy to a lot of conversations. She is born in 1951 and was ten when offences occurred against her. He indicated that she was very fragile.

Inspector FOX also indicated he had a statement from a Mike STILLWELL who was a teacher at Merriwa.

Inspector FOX indicated that he had begun obtaining a statement from AK who resides in Queensland. He indicated that a loose arrangement had been made to complete that statement when AK returned to the Newcastle area over the Christmas break.

Inspector FOX indicated that he had interviewed Leo CLARKE after his retirement, primarily in relation to his investigations concerning FLETCHER and RYAN. He did however speak with CLARKE about MCALINDEN. He believes that CLARKE deliberately lied to him when CLARKE advised him that he knew of no other incidents involving MCALINDEN.

Inspector FOX indicated that he had come into the investigations on and off over the years. He indicated that in 2004 he submitted two reports to SCC calling for a far reaching investigation of the incident. He had also submitted a number of information reports. He indicated that he had informants in the form of a former priest and sister. He indicated that he had no doubts that there was collusion in the Church.

Det. Insp. PARKER arrived at this stage of the meeting.

Insp. FOX indicated that due to the scale of the investigation it was imperative that a task force was established.

[REDACTED]

Supt. MITCHEL indicated that there was a need for LAC investigators to collate available information at this stage in order to allow further assessments to be made.

Insp. PARKER indicated that the Region Commander's firm view that the file was to remain with the LAC. It was a matter for the LAC to collate the information and present that to S.C.C. if that was appropriate. Insp. PARKER indicated that if the information gathered went beyond the Terms of Reference, the L.A.C. would need to identify why.

Insp. FOX outlined that the information given by AS discloses other witnesses and potential witnesses. He reiterated his earlier view that a task force needs to be pursued.

The meeting was concluded at this point and Supt. HAGGETT and Insp. FOX departed.

Inspector TOWNSEND arrived at this time and was briefed by Sgt STEEL. Present for this briefing were:

- Supt. MITCHELL
- DCI TAYLER
- Insp. PARKER
- Insp. TOWNSEND
- Det. Sgt. STEEL
- Det. Sen. Const. FRENEY
- Det. Sen. Sgt. QUINN

Det. Sgt. STEEL indicated that she had spoken with Helen KEEVERS earlier that morning. KEEVERS was the Manager of Zimmerman House for 30 years. She indicated that she had a high level of knowledge about MCALINDEN'S offending and other priests and victims. She indicated that she has seen numerous critical documents outlining such conduct.

She indicated that the most crucial documentation had been forwarded by Zimmerman House to the Catholic Church's insurance body. She made reference to a document authored by Monsignor OOTTER where he indicated that it was fortunate that MCALINDEN'S offending was on children and not adults and females. She also indicated that MCALINDEN had engaged in a course of conduct regularly used by Catholic Priests where children were taken swimming in deep water so that they would need to hold onto the priest for assistance.

[REDACTED]

STEEL outlined the 'Encompass' program that was set up by Archbishop PELL to treat priests who have problems (primarily child abuse). The program maintained files outlining the problem behaviours and identified treatment plans. KEEVERS indicated that PELL had closed the program down without notice. She indicated that the files relating to the program had been moved by a man known to her for storage.

STEEL indicated that senior clergy moved MCALINDEN to P.N.G. for a period after his offending behaviour was discovered.

Redacted at Commissioner's direction

Other Senior Clergy (BURSTON/HART and LUCAS) were involved in cover ups.

KEEVERS told STEEL that police would only get one chance at a search warrant because she is certain that Church members would destroy documents.

Supt. MITCHELL indicated that the issue for the L.A.C. is the scope of the investigation. Inspector TOWNSEND agreed that the scope of the investigation had greatly broadened since it was first allocated to the L.A.C. It was agreed that the following would occur:

1. Inspector PARKER would contact Insp. JACOBS of S.C.C. to invite an Investigator(s) from Sex Crimes to attend a debrief to be held with KEEVERS.
2. Det. Sgt. STEEL to conduct the debrief in the week commencing 6 December 2010.
3. Det. Sgt. STEEL to collate all information available to date after the debrief and formulate a summary document to be forwarded to S.C.C. for their consideration as to whether or not the investigation would fit their charter.

Meeting Concluded 1.15pm

[REDACTED]

Prepared By:	Detective Senior Sergeant Justin Patrick Quinn
Registered No:	28028
Date:	3/12/2010

From: Wayne Humphrey/19634/Staff/NSWPolice
To: Charles Haggett/19499/Staff/NSWPolice@NSWPolice
cc: Anthony Townsend/20978/Staff/NSWPolice@NSWPolice, Kirren Steel/26458/Staff/NSWPolice@NSWPolice, Justin Quinn/26028/Staff/NSWPolice@NSWPolice, Fay Dunn/19092/Staff/NSWPolice@NSWPolice, Max Mitchell/19788/Staff/NSWPolice@NSWPolice, Brad Taylor/21627/Staff/NSWPolice@NSWPolice

Date: Wednesday, October 13, 2010 01:18PM
Subject: Re Strike Force Lantle

Dear Commander Haggett,

As per our conversation regarding SF Lantle (the investigation into the alleged coverup by members of the Catholic clergy) I would ask for the following to occur.

Detective Chief Inspector Fox has initiated contact with Detective Sergeant Steel (OIC) of the Strike Force. DCI Fox has indicated that he has possession of a file in regards to this matter and other documentary and anecdotal evidence. An examination of trim indicates a file originated at State Crime Command, was sent to Central Hunter and then ultimately to DCI Fox. That file and any associated documentation should be collected and hand delivered to Detective A/Inspector Quinn, Crime Manager Newcastle City LAC as soon as possible.

DCI Fox should be advised that he will be contacted by DS Steele in due course regarding information pertaining to this investigation. DCI Fox should not initiate contact with DS Steele directly, all contact should be through the Crime Manager at Newcastle City LAC.

I probably don't need to remind all recipients of this email that this enquiry has been subject of much media interest (Commander Haggett you might also make the following very clear to DCI Fox please) It is my view that whilst this investigation rests with Newcastle City LAC then this command will be responsible for the overall management of the investigation, the investigative strategies and directions and any relevant media strategy.

I thank you all for your assistance in this matter.

Kind regards

Wayne D. Humphrey
 A/Commander
 Newcastle City LAC

THIS IS THE ANNEXURE MARKED "E"
 ANNEXED TO STATEMENT OF *CARLENE YORK*
 SIGNED THIS *15th* DAY OF *February* 2015

Signed

560

"F"

**NEW SOUTH WALES POLICE FORCE
NEWCASTLE CITY LAC**



Newcastle City Local Area Command
Waratah Police Station
30 Harriet Street
WARATAH NSW 2290
Phone: (02) 49266599
Hagle Net 60599
Fax: (02) 49266511
Hagle 60511
Email: hump1way@police.nsw.gov.au
19 April, 2011
Reference:

HIGHLY PROTECTED

Assistant Commissioner YORK APM
Northern Region commander

Current status - Strike Force Lantle - Investigation into activities of members of the Catholic Church.

* * *

Strike Force Lantle was promulgated to investigate an allegation the senior members of the Catholic Church concealed serious offences by members of the Catholic clergy in New South Wales during the period 1985 - 1999.

Strike Force Lantle commenced as per e@gle.i holdings on the 12 October, 2010. At that stage it was apparent that inquiries were to take the form of review, assessment of current holdings and initial inquiries to determine whether or not the matter should proceed. ¹ There had clearly been a period prior to the commencement of this Strike Force where numerous commands had knowledge of the allegation and had seen fit for reasons unknown to me at this time not to commence an investigation. It appears that Lake Macquarie LAC were aware.

I am also aware that Central Hunter LAC was at time in receipt of some form of correspondence which was forwarded to Detective Chief Inspector FOX at Port Stephens Local Area Command. Ultimately the decision was made for Newcastle City LAC to have carriage of the investigation.

¹ Report of Inspector Townsend dated 12 July, 2010 with subsequent written direction of Assistant Commissioner York 1/9/10.

THIS IS THE ANNEXURE MARKED "F"
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS 15th DAY OF February 2015
Signed

The matter was assigned in the first instance to Detective Sergeant STIBBLE as officer in charge, with Detective Chief Inspector TAYLER as investigative supervisor. Detective Senior Constable ERBENY was assigned to assist Detective Sergeant STIBBLE.

Sergeant STIBBLE commenced inquiries including meetings with one of the victims, State Crime Command staff, and M/s McCarthy from the Newcastle Herald. Sergeant STIBBLE then reported off sick and is not expected to return to duty. Similarly, Detective Chief Inspector TAYLER reported off sick in late 2010 and is in the midst of medical discharge.

Upon me taking the position of Crime Manager the matter was reassigned to Detective Sergeant LITTLE as officer in charge. He still maintains carriage of the investigation to this date. Detective Sergeant LITTLE's mandate was to review the current holdings (which frankly were abysmally managed up until that point), determine and prepare an investigation plan and submit that plan for approval, and initiate contact with the victim. AL

The contact with the victim was problematic as she had written to DCI TAYLER on the 15 December 2010 dictating she did not want to be spoken to until the new year, and then she would only give her statement to 'Peter Fox' who she had 'met once' and felt very comfortable with.

By this time DCI TAYLER was on sick report and I initiated telephone contact with AL resulting in a meeting with Detective Sergeant LITTLE occurring. This meeting by all accounts was positive with a view to further formal interviews occurring.

In March 2010 (upon return from deployment to Christchurch NZ for the Operation Mono deployment), Detective Inspector PARKER commenced duty in the Newcastle City LAC as Crime Manager (Investigations). With that position came the assumed role of supervisor for Strike Force Lantle.

The continuing conduct of Strike Force Lantle remains, until directed otherwise, the responsibility of this Command. As such the attached investigation plan (HIGHLY PROTECTED) articulates a professional and analytical approach to this matter, including robust parameters on media management.

REDACTED

Detective Sergeant LITTLE will be taken off line from general CI inquiries upon his imminent return from annual leave with a mandate to complete this investigation to the point where legal advising can be sought.

There are impacting factors on the conduct of this investigation that are dealt with under separate papers. Those aside, the attached investigation plan articulates the strategic considerations that need to be taken into account whilst the investigation continues.

Signed

Wayne D. Humphrey
A/ Commander
Newcastle City LAC
21 April 2011

"G"



{In Archive} Fw: NP
Carlene York to: chap1tra

13/11/2012 09:02

Archive: This message is being viewed in an archive.

----- Forwarded by Carlene York/18995/Staff/NSWPolice on 13/11/2012 09:02 -----

From: Carlene York/18995/Staff/NSWPolice
To: John Galton/25360/Staff/NSWPolice@NSWPolice.
Date: 29/03/2012 19:04
Subject: Re: NP Trail

Hi John
Read the response
Happy with that short and to the point
Carlene
Assistant Commissioner
Northern Region
NSW Police Force

From: John Galton
To: Carlene York
Cc:
Date: 29/03/2012 12:43
ZE10

Subject: Re: NP

Hi Carlene - thoughts on this response to Peter? I've not yet sent it.

Regards,

John.

THIS IS THE ANNEXURE MARKED "G"
ANNEXED TO STATEMENT OF CARLENE YORK.

SIGNED THIS 15th DAY OF February 2010

Peter,

Signed

In response to the specific issues you raise (highlighted in red):

1. It is highly unlikely the persons with whom I have sought information will deal with other police (I can elaborate on this if required) The information may assist in the criminal prosecution of sexual assault offences on children by a member of the Catholic Clergy but I am seeking permission before I take this further. Am I allowed to conduct more inquiries for D/Sgt FABER?

Please contact Det Inspector Parker in relation to this issue as he is overseeing Strike Force Lantle.

which relates to the investigation. He should be in a position to guide you in relation to who is best to respond.

2. Are all the directions given to me by Mr MITCHELL still in force & if so for what period?

Yes, until lifted the directions remain in place.

3. Am I yet able to be told the reason for those directions?

From Newcastle LAC's perspective the investigation is highly protected and will be until finalised.

Regards,

John Gralton
Commander
Newcastle City

From: Carlene York/18995/Staff/NSWPolice
To: Peter Fox/18127/Staff/NSWPolice@NSWPolice, John
Gralton/25360/Staff/NSWPolice@NSWPolice, Ian Mather/21728/Staff/NSWPolice@NSWPolice
Cc: Craig Rae/22212/Staff/NSWPolice@NSWPolice
Date: 26/03/2012 16:50
Subject: Re: NP Trail

Peter
I note I have been copied in to the email. I will be leaving it to Superintendent Gralton to deal with in the first instance

Regards
Carlene York
Assistant Commissioner
Northern Region
NSW Police Force

From: Peter Fox
To: John Gralton; Ian Mather
Cc: Carlene York; Craig Rae
Date: 28/03/2012 15:57 ZE10
Subject: NP Trail

In 2010 I made submissions to investigate paedophile activity by the Catholic Church following past prosecutions & approaches to me by victims through a newspaper reporter Joanne McCARTHER. I obtained statements before being aware of inquiries at Newcastle. I contacted investigators there & was then directed by Superintendent MITCHELL to surrender all the documentation I had, including victim statements, cease any involvement in church paedophilia investigations or dealings with victims. I was also directed to not contact Joanne McCARTHY & report any contact with her immediately. I was further directed to hand over a separate non-related ministerial file sent to me as a

result of my past investigations into paedophilia in the Catholic Church.

Complying with my directions I am reporting I was contacted today by Det Sgt Kristy FABER requesting I assist in connection with the trial of Fr [REDACTED] NP which is currently underway. I was asked if I could obtain a photograph of Fr James FLETCHER from about 1980. I was also asked to ascertain the whereabouts of Fr FLETCHER NP around that time & if they had access to Campbell's Hill Church at Malland or any association between them.

I spoke to persons (But not Joanne McCARTHER) in confidence who are assisting. I may have further contact to secure photographs & other information. A number of those persons are in contact with Ms McCARTHER, one of them mentioned being aware I was not permitted to speak with McCARTHER. I did not discuss this further other than say that was correct.

Since Mr MITCHELL is no longer in North Region & the 3 police assigned the investigation reported off sick after my direction I have not been told what if anything has occurred with the matter.

1. It is highly unlikely the persons with whom I have sought information will deal with other police (I can elaborate on this if required) The information may assist in the criminal prosecution of sexual assault offences on children by a member of the Catholic Clergy but I am seeking permission before I take this further. Am I allowed to conduct more inquiries for D/Sgt FABER?
2. Are all the directions given to me by Mr MITCHELL still in force & if so for what period?
3. Am I yet able to be told the reason for those directions?

Peter Fox
 Detective Chief Inspector
 Crime Manager
 Port Stephens LAC
 Redacted

John Gralton---30/03/2012 15:35:43---Peter, (cc: A/A/C Swilks, DI Parker and Sgt McDonald as req...

From: John Gralton/26360/Staff/NSWPolice
To: Peter Fox/18127/Staff/NSWPolice@NSWPolice
Cc: Gabrielle McDonald/26685/Staff/NSWPolice@NSWPolice, Graeme
Parker/24832/Staff/NSWPolice@NSWPolice, David
Swilks/16580/Staff/NSWPolice@NSWPolice, Ian
Mather/21728/Staff/NSWPolice@NSWPolice, Craig Ree/22212/Staff/NSWPolice@NSWPolice
Date: 30/03/2012 15:36
Subject: Re: NP Trail

Peter,
(cc: A/A/C Swilks, DI Parker and Sgt McDonald as requested by AC York & others included in original
email from you)

In response to the specific issues you raise (which I have highlighted in red):

1. It is highly unlikely the persons with whom I have sought information will deal with other police (I can elaborate on this if required) The information may assist in the criminal prosecution of sexual assault offences on children by a member of the Catholic Clergy but I am seeking permission before I take this further. Am I allowed to conduct more inquiries for D/Sgt FABER?

Please contact Det Inspector Parker in relation to this issue as he is over-seeing Strike Force Lantle which relates to the investigation. He should be in a position to guide you in relation to who is best to respond.

2. Are all the directions given to me by Mr MITCHELL still in force & if so for what period?

Yes, until lifted the direction remains in place.

3. Am I yet able to be told the reason for those directions?

The investigation is highly protected and will be until finalised.

Further, I'm advised you were to provide documents that you had that may relate to investigations that were underway at Newcastle. Could you please discuss that when speaking with Det Inspector Parker.

Regards,

John Gratton
Commander
Newcastle City

Peter Fox--26/03/2012 16:57:22--In 2010 I made submissions to investigate paedophile activity by t...

"H"

THIS IS THE ANNEXURE MARKED "H"
 ANNEXED TO STATEMENT OF CARLENE YORK
 SIGNED THIS 15th DAY OF February 2013
 Signed

From: Carlene York/18995/Staff/NSWPolice
 To: John Gralton/25360/Staff/NSWPolice
 Date: 24/09/2012 15:10
 Subject: Re: Fw: Letter to Peter Fox

John

Thanks for the update. I agree that we should not forward the letter. I accept the conversation with Det C/Inspector Fox, that he has been requested previously for any further information to be provided, although not clear from the summary of the latest conversation whether he has any further information to add.

In light of the need to ensure the officers welfare is addressed and his statement that his Doctor advises against further contact a file note should be made by Det Sgt Little to the effect that Mr Fox provided verbal confirmation that no further information is to be provided.

As a result of this line of inquiry not providing any further evidence we should await the DPP advice.

regards

Carlene York

From: John Gralton/25360/Staff/NSWPolice
 To: Carlene York/18995/Staff/NSWPolice@NSWPolice

Date: 24/09/2012 15:01
 Subject: Fw: Letter to Peter Fox

Good afternoon Carlene,

Ré - Letter to Chief Inspector Fox concerning media reports (17/9/2012) that he has 'explosive information' in relation to child sexual abuses by clergy.

I spoke to Insp Kerrie Lewis (see below email). Kerrie indicated that Peter Fox was adamant that he had provided all that he knew previously and he did not want to receive anything else from me or anyone else for that matter. He added that he did not wish to speak or communicate with anyone within the NSWPF regarding any complaint matter either as a subject officer or witness on his doctor's advice. Kerrie explained the content of the letter and told him it was not a complaint but an investigative issue (as per details in the letter). She said that he appeared quite irritated and agitated by it and responded as outlined below in Insp Lewis' email.

Given Peter is off sick with a psychological related illness, I do not think it is in anyone's best interest to send the letter. I think that we risk complaints from Chief Inspector Fox if we send the letter and to us exacerbating his injury if we go ahead. He understands the content of the letter and does not wish to receive it. He has been requested before (at length via email) by Det Sgt Little concerning claims he had further information, and whilst he provided some information, no further 'evidence' was elicited. We have that recorded on E@gle-1 and we can record this information on E@gle-1 as well. I've spoken to Det Sgt Little and as the OIC of S/F Lantle he agrees with this course of action.

I see no good reason to forward this communication given that Insp Lewis has communicated the content to him and he has indicated that he does not wish to receive it and will not reply to it - particularly given his illness. I will leave it at that unless you direct otherwise.

Regards,

John.

--- Forwarded by John Gralton/25360/Staff/NSWPolice on 24/09/2012 14:00 ---

From: Kerrie Lewis/21694/Staff/NSWPolice
 To: John Gralton/25360/Staff/NSWPolice@NSWPolice
 Date: 24/09/2012 13:36
 Subject: Re: Fw: Letter to Peter Fox

Sir

As per our telephone conversation, I have contacted Detective Inspector FOX at your request. I explained the content of the letter that you would like to send him via email and he has stated that he does not want to receive it.

He said, "You can tell John GRALTON that I have already provided a vast amount of material in the past, they would be aware what that is and if they have misplaced or lost it that is their problem".

I am sorry I could not assist but he was not about to be convinced otherwise.

Kerrie

Kerrie Lewis | Detective Inspector | Manager Internal Witness Support Unit – Professional Standards Command | New South
Wales Police Force | Phone: 02 9355 8395 | Easynet: 48395 | Fax: 02 9355 8397 | Easynet fax: 48397 | Email:
lewllker@police.nsw.gov.au

From: John Gralton/25380/Staff/NSWPolice
To: Kerrie Lewis/21684/Staff/NSWPolice@NSWPolice
Cc: Carlene York/18886/Staff/NSWPolice@NSWPolice
Date: 24/08/2012 12:38
Subject: Fw: Letter to Peter Fox

Good morning Kerrie,

You might recall a brief discussion we had last week about the finalisation of the investigation file (P1103592) and you were going to contact Peter Fox to let him know that it had been completed and submitted to the Region CMT. During that conversation I also discussed the fact that Peter was quoted in an article on the front page of the Newcastle Herald.

I now have cause to contact Peter in relation to the comments that were attributed to him as quotes in that paper. I understand that you still have contact with Peter.

I have drafted the attached letter and I would appreciate it if you could contact him and let him know that the letter is coming. You might also confirm that his email address is still

Redacted at Commissioner's direction

Once you have confirmed that he is aware that the letter is coming, I will scan it onto an email and forward it to him. Even though his comments were allegedly made in a community/public forum, we didn't want to blind side him with the letter given he is currently on sick report. We are mindful of his welfare. If you have any queries I can be contacted on 60500.

Regards,

John Gralton
Commander
Newcastle City

24 September 2012



NSW Police Force
www.police.nsw.gov.au

Dear Chief Inspector Fox,

On Monday, 17 September 2012, the *Newcastle Herald* newspaper published an article alluding to you having 'explosive' information concerning child sexual abuse by clergy. Specifically, the article quoted you as saying;

- "There is a lot more going on out there than anyone wants to admit. There is so much happening behind the scenes."
- "...to simply say the police have got it in hand is wrong."
- "Early in the 2000s I linked a number of paedophile priests I linked them in the Hunter Valley and I called on the Police Department to initiate a major inquiry. I've continued to make these calls of late and nothing has been done."

Whilst it is acknowledged that what is reported in the media is not necessarily entirely accurate, you'll appreciate it is critically important that you provide any further information so that it can be properly assessed.

Inquiries with Strike Force Lantle investigators reveal email correspondence took place between you and Detective Sergeant Jeff Little, during April 2012, concerning information you may have that would assist Strike Force Lantle or other police investigations.

We take any form of child abuse very seriously. In the interests of addressing any such incidents, please provide all information or evidence to me immediately so that I can pass it onto Strike Force Investigators as is appropriate.

I look forward to your response to this correspondence.

Yours sincerely,

John Gralton
Commander
Newcastle City

THIS IS THE ANNEXURE MARKED " 1 "
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS 15th DAY OF February 2013

Signed

Newcastle City Local Area Command
Waratah Police Station
30 Harriet Street WARATAH NSW 2298

Telephones 02 49266515 Facsimile 02 49266511 ENel 80515 EFax 80511 TTY 9211 3776 (Hearing/Speech Impaired)
ABN 49 408 613 160

NSW POLICE FORCE RECRUITING NOW 1800 222 122
WWW.POLICE.NSW.GOV.AU/RECRUITMENT



NSW Police

www.police.nsw.gov.au Abn 43 401 615 180
NEWCASTLE CITY
CRIMINAL INVESTIGATION

1st Floor
Newcastle Police Station
Cnr Wall and Church St
Newcastle NSW 2300
Tel: (02) 49290999 / 70008
Fax: (02) 49290634 / 70684

D/

ISSUE:

Request for information by Assistant Commissioner York regarding delays associated with the investigations conducted by Strike Force Lantle, including investigation contacts with Detective Chief Inspector Peter Fox of Port Stephens Command.

BACKGROUND:

On 12 July 2010 Operations Manager, Northern Region, Inspector Anthony Townsend produced a eleven page document addressing allegations of the concealing of serious offences by former and current clergy attached to the Newcastle Maitland Diocese of the Catholic Church. This appears to have been as a result of information, including statements, received by Lake Macquarie LAC from Journalist Joanne McCarthy. The file was furnished to the Region Commander, Northern, who signed off on her instruction to the Commander Newcastle City LAC on 1 September 2010. Those instructions included the identification of suitable investigators, initial assessment of evidence, the utilisation of State Crime Command in an advisory capacity with a view to handing over the investigation at a later stage, if deemed appropriate. Should the matter fall outside the charter of the State Crime Command, Newcastle LAC would retain investigative carriage of the matter.

In early October 2010 Strike Force Lantle commenced investigations into allegations of sexual misconduct by clergy from the Newcastle/Maitland diocese of the Catholic Church. The Strike Force consisted of Detective Senior Sergeant Justine Quinn, Detective Sergeant Kirren Steel and Detective Senior Constable Jason Freeney and was under the hegemony of Detective Chief Inspector Bradley Taylor, the then Crime Manager of Newcastle City LAC. At that time an E@gle1 investigation was also commenced.

It is clear from records within the E@gle1 holdings that difficulties between investigators/managers of Lantle and Detective Chief Inspector Fox seem to have commenced almost from the beginning of the investigation. This would appear to relate to issues concerning investigative responsibility for the complaint and the possession of files/statements pertaining to Lantle. There is also an underlying issue regarding the probity of the investigation, particularly to what appears to be a constant leaking of information to Ms McCarthy.

On 2 December 2010 a meeting was held between officers from Newcastle City LAC, Port Stephens LAC and Northern Region to resolve issues surrounding Strike Force Lantle. Superintendent Mitchell commenced the conference by explaining that Newcastle City LAC had carriage of the

THIS IS THE ANNEXURE MARKED "J"
ANNEXED TO STATEMENT OF CARLENE YORK
SIGNED THIS 15th DAY OF February 2013
Signed

573

investigation at the express direction of the Region Commander, Assistant Commissioner York. As such he requested DCI Fox to hand over all documents pertaining to S/F Lantle. DCI Fox indicated that he was happy to comply, but had mistakenly left the documents in question back at the Raymond Terrace Police Station. DCI Fox also mentioned a report he had recently supplied to the Region Commander.

Superintendent Mitchell directed that no officer was to speak to the media, including Joanne McCarthy without his knowledge. He added that any contact by Ms McCarthy needed be reported to him.

On 13 December 2010 Detective Sergeant Steel reported off on sick report and did not return to duty.

On 20 December 2010 Detective Chief Inspector Taylor reported off on sick report and did not return to duty.

On 21 December 2010 Detective Senior Sergeant Quinn reported off on sick report. He returned to duty on 21 February 2011 only to again report sick on 4 April 2011. He did not return to duty.

} Schedule 6

On 30 December 2010 Detective Sergeant Jeffery Little was seconded to Strike Force Lantle to replace Detective Sergeant Steel.

On 27 March 2011 Detective Inspector Parker commenced duties at Newcastle City Local Area Command as Chief of Investigations. As part of those duties I was responsible for managerial oversight of all investigation within the Command. This included Strike Force Lantle.

From this point the investigation progressed in a timely manner without further significant issue. While there were further delays associated with the investigation, these were not significantly different from those suffered during the course of any major investigation. These would include such issues as availability/reliance of witnesses, analysis of voluminous information/intelligence, investigative delays and sick/annual leave. Any note worth delay has been documented within the Strike Force holdings, however, none would be deemed to have significantly affected the timeliness of the investigation.

Regarding the approaches made by Strike Force Lantle to Detective Chief Inspector Fox prior to 2 April 2012, interrogation of Strike Force Holdings indicates a total of 27 products associated with the name FOX.

After further review of these holding, eight products are considered to fit the criteria of the request. These documents are attached for your consideration. While some do not relate directly to contact with Detective Chief Inspector Fox, all are considered relevant as they reflect directly on the decision making processes, relating to the officer, conducted during the management of this investigation.

The final document included, is a record of conversation between Journalist Joanne McCarthy and Detective Inspector Graeme Parker, shortly after he assumed managerial control of Lantle. While this document relates to April 2011, it does show remarkable relevance to the current situation.

COMMENT:

The holdings of Strike Force Lantle are extensive. What has been supplied is merely the result of a search conducted across the investigation on the key word fox using between dates of 1/9/2010 and 4/4/2012. This should not be considered to be definitive as to contact between the Strike Force and Detective Chief Inspector Fox. It does not, for example, take into account any phone contact between officers associated with Strike Force Lantle and Detective Chief Inspector Fox that may have been recorded in individual officer's duty books, diaries, writing pads or any other means of contemporaneously recorded documentation. If these records have not been uploaded to E@gle1, they will not be captured during the conducted search.

What is, however, quite apparent is the Strike Force's willingness to accept assistance from Detective Chief Inspector Fox, even when he appeared to display an absence of enthusiasm to do so.

RECOMMENDATION:

Submitted for information.

Signed

**Detective Inspector
Graeme Parker
Chief of Investigations
Newcastle City LAC
19 November 2012**