

## Statement of Detective Inspector Paul Jacob

### 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 9 April 2013, I say:

#### Preliminary matters

1. My full name is Paul Yervan Jacob and I am a Detective Inspector with the NSW Police Force (NSWPF).
2. I am presently attached to the Sex Crimes Squad and I am the Manager of the Sex Crime Team within the Sex Crimes Squad. The Sex Crimes Squad comes under the umbrella of the State Crime Command.
3. This statement is prepared by me for the sole purpose of responding to a summons dated 5 April 2013 issued on 5 April 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

4. I joined NSWPF as a probationary constable on 17 September 1979. After joining NSWPF, I was engaged in general uniform duties at Castle Hill and Darlinghurst. In 1983, I became a trainee plain clothes police officer with the Darlinghurst Detectives Office. I was formally designated a detective in 1987. Since date of designation, I have served with the Arson Squad (CIB), the Arson Unit with the Regional Crimes Squad Northwest and I have been attached to the Chatswood Detectives Office. In 1989, I became part of the Homicide Squad. In 2005, I was appointed Manager Sex Crimes Teams, Child Protection and Crimes Squad, State Crime Command.
5. I was promoted to the rank of Detective Sergeant in 1997 and was promoted to my current rank as Detective Inspector in 2001.

#### Strike Force Lantle

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Through those

enquiries, I came to understand that the Newcastle City Local Area Command may have had an officer or officers engaged in such an investigation. Upon receiving such information, I forwarded an email to Detective Chief Inspector Brad Tayler, the Crime Manager at the Newcastle City Local Area Command at 2:36pm on 20 May 2010. Annexed to this statement and marked with the letter "A" is a true copy of the email.

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Annexed to this statement and marked with the letter "B" is a true copy of an email forwarded to me by Detective Chief Inspector Brad Tayler, at 4:12pm on 20 May 2010. After these emails were forwarded and received by myself, I also received further emails relating to the investigation. Annexed to this statement and marked with the letter "C" is a series of emails between Detective Chief Inspector Brad Tayler and myself:

- (a) email forwarded at 2:44pm on 2 June 2010, from myself to Detective Chief Inspector Tayler;
- (b) email forwarded at 12:29pm on 2 June 2010, from myself to Detective Chief Inspector Brad Tayler;
- (c) email forwarded by Detective Chief Inspector Tayler to myself at 7:52am on 2 June 2010. This email forwarded to me a copy of an email forwarded by Ms Joanne McCarthy of the *Newcastle Herald* to Detective Chief Inspector Tayler;
- (d) copy of document headed "General Details" relating to <sup>AK</sup> dated 13 October 1995, attached to the email forwarded to me.

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In terms of my contact with Detective Chief Inspector Tayler, I confirm that I made entries in my diary relating to such communications. Annexed to this statement and marked with the letter "D" is a copy of diary entries made by myself on 19 May 2010. Also attached to my diary entries for those days are copies of the emails previously referred to in this my statement. It was my usual practice when making diary entries (and remains my practice), to include in the diary maintained by myself selected copies of emails relating to the particular diary entry. Annexed to this statement and marked with the letter "E" is a true copy of a diary entry I made on 20 May 2010. Also attached to my diary entry is a copy of emails that had passed between Detective Chief Inspector Brad Tayler and myself.

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On 20 May 2010, I also made enquiries with Detective Inspector Dave Waddell, the Crime Manager at Lake Macquarie, who I understood to have had referred a matter relating to investigations involving the Catholic Church to Detective Chief Inspector Brad Tayler at the Newcastle City Local Area Command.

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At about 3:50pm on 20 May 2010, I had a further telephone conversation with Detective Chief Inspector Brad Tayler and during the course of such conversation he confirmed to me that a request for assistance by the Newcastle City Local Area Command was to be made. In response, I indicated to him that at that stage, that is when I was conversing with him, no such formal request for assistance had yet arrived. To the best of my recollection, I had no record of having received any such request for assistance, at least in terms of a formal request, as at that date.

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12. At the time of my initial contact with Detective Chief Inspector Brad Tayler, and as indicated previously in my statement, I was aware that the persons of interest to any such investigation that may be carried out had died, and in terms of the superiors within the Catholic Church to the alleged sex offenders, there were very few remaining clergymen who were still alive so as to take responsibility for what had occurred.

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13. Annexed to this statement and marked with the letter "F" is a true copy of a report prepared by Inspector Anthony Townsend in his capacity as Operations Manager of the Northern Region, dated 12 July 2010. My understanding was that such report went to the Commander of the Northern Region (Assistant Commissioner Carlene York) and such recommendation made by Inspector Townsend was signed off by Assistant Commissioner York on 1 September 2010. In her recommendation, Assistant Commissioner York indicated that the responsibility for the investigation was to remain with the Newcastle City Local Area Command, with there being the engagement of the State Crime Command in an advisory capacity to assist with respect to the investigation, and with the matter being transferred if required at an appropriate time. It is my understanding that it was the signing off of the document by Assistant Commissioner York which led to the formalising of a request for assistance to the State Crime Command being made in relation to the investigation being carried out by the Newcastle City Local Area Command.
14. By that stage, I had been informed orally that there was a person who may have been in a position to provide significant assistance to the investigators with respect to the subject matter of the investigation (Ms Helen Keevers). I was also aware that arrangements were being made for the purpose of Ms Keevers being interviewed. To the best of my recollection, this information was provided to me by Detective Inspector Graeme Parker during a conversation had with him on 2 December 2010.
15. Annexed to this statement and marked with the letter "G" is a true copy of a diary entry made by myself with respect to my conversation with Detective Inspector Parker. As the diary entry itself shows, on that date, Detective Inspector Parker indicated to me that the Newcastle City Local Area Command was requesting assistance with respect to a major investigation that was to get underway. He also advised me that arrangements were on foot for Ms Keevers to be interviewed on the following Monday (6 December 2010). After the interviewing of the witness, a formal approach would then be made to my superior, Detective Superintendent John Kerlatec, for assistance. I was also provided details in relation to other information that had come to Detective Inspector Graeme Parker in relation to the matter, and the matters to be investigated in relation to the Catholic Church and its concealment of child sex offences. It was during the course of that conversation that I indicated to Detective Inspector Parker that I would have Detective Sergeant Nigel Warren attend the Waratah Police Station. After that conversation, I did make arrangements with Detective Sergeant Warren to attend Newcastle on 6 December 2010.
16. For reasons which I do not now recall, the arrangements to interview Ms Keevers on 6 December 2010 did not proceed. However, further arrangements were made for her to be interviewed by Detective Sergeant Kirren Steel on the following Friday (10 December 2010). After receiving this information from Detective Inspector

Parker, and on the following morning of Friday, 3 December 2010, I had a telephone conversation with Detective Sergeant Kirren Steel. During the course of such conversation, I raised with her a number of matters. One matter raised related to my initial concerns about whether or not at that point of time it was necessary for the State Crime Command itself to be formally involved in the investigation. I discussed with her matters relating to past investigations carried out in relation to incidents involving the clergy of the Catholic Church and the general history relating to the manner in which the Catholic Church dealt with alleged perpetrators. Also in the same conversation, I advised her of my intention to have (the On Call Team) Detective Sergeant Warren attending on the following Thursday (9 December 2010) in order to carry out an assessment with respect to the proposed investigation and to be present Friday morning for the interview. **Annexed to this statement and marked with the letter "H" is a true copy of the diary entry made by myself with respect to this conversation with Detective Sergeant Steel on 3 December 2010.**

17. After having spoken to Detective Chief Inspector Tayler and Detective Sergeant Steel, I then informed my Commander, John Kerlatec, and Detective Inspector Michael Haddow of the information that had been provided to me up to that point of time. **Annexed to this statement and marked with the letter "I" is a copy of part a briefing note prepared by myself summarising the information received by me at that point of time. Also annexed to this statement and marked with the letter "J" is a true copy of an email forwarded to me by Detective Sergeant Steel at 11:07am on 7 December 2010.**
  
18. My initial plan was to send Detective Sergeant Nigel Warren and another police officer to Waratah Police Station for the purposes of making an initial assessment as to the investigation which was to be undertaken, and the scope of such investigation. However, because of the work commitments which were required within the squad, I was unable to send Sergeant Warren up there and, ultimately, it was left to myself to personally attend for the purpose of assisting the investigation. On Thursday, 9 December 2010, I attended the Newcastle Detectives Office where I met with Detective Acting Superintendent Graeme Parker (the Region Operations Manager at the time), Inspector Anthony Townsend, Detective Chief Inspector Brad Tayler and Detective Sergeant Kirren Steel. During the course of my meeting with those officers, I received a briefing with respect to the allegations that had been made in relation to the concealment of offences by clergymen with the Catholic Church. I made handwritten notations of the information provided to me at the time. **Annexed to this statement and marked with the letter "K" is a true copy of a diary entry made by myself for Thursday, 9 December 2010. During the course of my meeting, and as recorded within my diary entry, the information conveyed to me indicated that the position at the time included the following:**
  - (a) that there apparently were no current victims of the alleged offenders still around to assist police with their investigations;
  - (b) both known victims appeared to have progressed through the Beyond Healing process;
  - (c) there was no available information to the investigators suggestive of any conspiracy to cover up;
  - (d) it was indicated that the key to any further investigations and a person who may have been able to provide significant further investigation was Ms Helen Keevers, who was still to be interviewed. Because of her

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importance, it was determined that I would assist in planning for any interview to take place, as well as in the development of an interview plan. The primary interviewer was to be Detective Sergeant Kirren Steel.

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19. After that meeting with the personnel mentioned, I then had a further meeting with Detective Sergeant Kirren Steel for the purpose of developing an interview plan. During the course of such meeting, we discussed a number of issues that arose, the focus of the investigation and the interview to take place, aspects of the investigation requiring further explanation, particularly in relation to conspiracy issues that arose. During the course of this further meeting, I was advised by Detective Sergeant Steel (as noted by myself in my handwritten entry) that Ms Keevers was a supporter of the Towards Healing process, but that her position appeared to have changed after having assisted police involved in the Strike Force Georgiana investigation. At the time, it was believed by investigating police that there would be significant and material information forthcoming from Ms Keevers. It was within my contemplation and to my understanding the contemplation of other police officers, that once this further information was forthcoming, then the subject matter of the investigation could be reviewed, and would be re-planned for the investigation, together with the nature of assistance to be provided to the strike force.
20. At the time of my meeting with the other police officers on 9 and 10 December 2010, I was aware that a meeting had been held between a number of police officers involved in the investigation. Annexed to this statement and marked with the letter "L" is a true copy of an investigator's note prepared in relation to a meeting held on 2 December 2010. At this stage, I am not entirely certain at what point of time I received this document, but to the best of my recollection it was received by me shortly after the meeting itself and in the days following.
21. On Friday, 10 December 2010, I again attended the Newcastle Detectives Office and on that occasion I met with Detective Chief Inspector Taylor and Detective Sergeant Steel, as well as Detective Darren Irwin. The purpose of my meeting was again to discuss the strategy to be employed in terms of the interview with Ms Keevers that was to take place and to be present and available during the course of the interview. I was aware that Detective Sergeant Steel and Detective Irwin did in fact conduct an interview with Ms Helen Keevers, with such interview being electronically recorded. I was also made aware that such interview had been suspended and was to continue at a later date. After the interview was suspended and when discussing the interview and what emerged from the interview with Detective Sergeant Steel and Detective Irwin, I was advised of the following matters:
- (a) firstly, that Ms Keevers was very supportive of the police investigation that was to be undertaken;
  - (b) I was advised of Ms Keevers' attitude to the Beyond Healing process that was being conducted by the Catholic Church;
  - (c) that there would be a further interview to be conducted, with such interview to focus on the allegations relating to Father McAlinden and the response by management to such allegations.

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Annexed to this statement and marked with the letter "M" is a true copy of a diary note made by myself with respect to events that occurred on 10 December 2010.

22. In terms of my involvement with the investigators attached to Strike Force Lantle, in the period leading up to 10 December 2010, it was my view at the time that notwithstanding that no formal approval had yet been forthcoming for a specialist consultant to be allocated to Strike Force Lantle, it was important for myself to attend the Newcastle City Local Area Command to obtain first-hand information relating to the investigation. My view was that, given the nature of the matters to be investigated, and the fact that matters seemed to have been evolving rather quickly, it was appropriate that I attend there, in effect so as to get in "on the ground level" in terms of the investigation. By being present at the Newcastle City Local Area Command, particularly at a time when a witness considered as important as Ms Helen Keevers was being interviewed, would allow me to obtain first-hand knowledge in relation to the matters evolving, as well as to make my own assessment as to whether a specialist consultant should be allocated to the Newcastle City Local Area Command and of course to be available to provide any advice sought. At the time, the squad within which I was working had limited resources and competing demands upon them, (as did many squads within NSWPF) and it was important that such resourcing issues be properly monitored. If I considered that there was no need for a specialist consultant based on the information obtained by me, then I would have made such a recommendation.
23. The Operations Manager within the Newcastle City Local Area Command at the time, as indicated previously, was Detective Inspector Graeme Parker. I had known Detective Inspector Graeme Parker over a period of many years from previous dealings in working or dealing with him. I considered Detective Inspector Parker to be a very competent and highly-skilled investigator and manager of investigations. I was prepared to trust his judgment in relation to issues that were emerging and in terms of information being provided to me.
24. In terms of Detective Sergeant Steel, prior to my meeting her I had only limited knowledge as to her abilities and capacity as an investigator. However, upon my meeting with her and discussing issues with her, I formed the view that she was a highly-competent and experienced investigator who was keen to carry out the investigation. More specifically, she also appeared to me to have been keen in wanting to interview Ms Keevers and to obtain important information during the course of that interview so as to ensure that the investigation was progressed. In discussing issues with her, she at all times appeared to be receptive to whatever matters I raised with her, and she expressed no negative view or sentiment with respect to the subject matter of the investigation. She also was receptive to my views and assistance provided to her in terms of how the interview with Ms Keevers was to be conducted and the strategy to be employed.
25. As indicated previously in my statement, because of the importance of Ms Keevers, I remained within the Newcastle City Local Area Command on 10 December 2010, during the course of the interview being conducted, so that I could be readily apprised of the outcome of the interview and assist in providing advice if necessary. I myself did not take part in the interview process. Unfortunately, after the interview was suspended, the information provided to me at the time was that the significant and material information which was believed to have been forthcoming did not reach the expectations of the investigators involved. But I was aware there were to be further interviews of Ms Keevers.

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26. In my capacity as Manager, Investigations Sex Crimes Squad, I prepared a report on and dated 10 December 2010 for my superiors. Annexed to this statement and marked with the letter "N" is a true copy of the document prepared by myself. As can be seen from such report, I recommended that the request for assistance made by the Newcastle City Local Area Command be accepted and that I myself be allocated as the specialist consultant to Strike Force Lantle. As can be seen from the document, my recommendation was accepted by Detective Superintendent Kerlatec as the Commander of the Sex Crimes Squad and Detective Superintendent Lanyon on behalf of the Director of the Serious Crime Directorate (Mr Geoff Beresford).
27. Annexed to this statement and marked with the letter "O" is a true copy of an email forwarded by Detective Senior Constable Jodie Archer to Detective Sergeant Kirren Steel at 15:24 hours on 13 December 2010, advising that a determination had been made that I be allocated as the specialist consultant to the Newcastle City Local Area Command. Annexed to this statement and marked with the letter "P" is a copy of the formal request for State Crime Command assistance that was made by Detective Chief Inspector Brad Tayler on 10 December 2010.
28. The request for assistance made on behalf of Strike Force Lantle through the Newcastle City Local Area Command was one that a specialist consultant be provided. In my opinion, such a request in the terms made was appropriate and was the correct decision. For my part, I had every faith that the command, in restricting its call for assistance to only a specialist consultant, was correct in the circumstances. In terms of the Strike Force Lantle investigation, as previously indicated by myself in my statement,

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However, the subject matter of the Strike Force Lantle investigation, upon my understanding at the time, was the subject of a great deal of media attention and criticism. In my view, NSWPF had very little alternative but to ensure that such allegations were thoroughly investigated, and that the allegations being made (both through the media and otherwise) were properly, fully and independently assessed and the outcome of such investigations made public. To my mind, as a police officer at the time, it was important that such investigations be seen to be transparent, and that NSWPF be seen to be taking a positive role in ensuring all relevant matters were properly investigated so as to alleviate public concerns.

29. I am aware that after Strike Force Lantle had been set up, with Detective Sergeant Kirren Steel being allocated as officer-in-charge, she unfortunately went on medical leave and on 30 December 2010 Detective Sergeant Jeffrey Little was allocated as the officer-in-charge. I am also aware that at about the same time, Detective Chief Inspector Brad Tayler, Detective Senior Sergeant Justin Quinn, together with Detective Sergeant Steel went on long-term sick leave. Notwithstanding this fact, I considered it still appropriate that the decision made to provide a specialist consultant remained a proper one. I say this for a number of reasons. Whilst I had little prior knowledge of Detective Sergeant Little prior to his being allocated as officer-in-charge, I soon became familiar with his ability and competence as an investigator. It became clear to me as the matter developed and progressed, that Detective Sergeant Little was a highly-competent investigator who had the ability to deal with the subject matter of the investigation. I quickly formed the view, as the investigation progressed, that in terms of his investigating ability he was an outstanding investigator.

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I pointed out to him that the investigation was one where, if carried out properly and with appropriate skill and expertise, it would hold him in good stead as an investigator in later years with NSWPF.

30. From my observations and knowledge, Detective Sergeant Little took on his role as the officer-in-charge with (complete enthusiasm. He far exceeded the expectations of the likely outcome of the Strike Force Lantle investigation. Putting the matter bluntly, it is my view that NSWPF could be proud of the fact that Detective Sergeant Little took on a very difficult investigation, REDACTED, and achieved an outstanding result. The investigation was carried out by him to such a standard that, in my belief and from my knowledge as an investigator, his investigation no matter how closely scrutinised would be regarded as one that was thorough in all the circumstances. In his investigation he, as far as possible, closed off all necessary issues, kept accurate and detailed records relating to the investigation, and interviewed all necessary and material witnesses
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31. Further to what I have already stated, it is my view that the investigation carried out by Detective Sergeant Little was of such a high standard that the brief prepared by himself which was to be forwarded for an external legal advising by the Office of the Director of Public Prosecutions allowed for any reviewing lawyer within that office to be able to easily understand the brief, and the important material contained within such brief.
32. Whilst it may be the case that the investigation conducted by Strike Force Lantle may not lead to criminal charges being laid against any perpetrator, as far as I am concerned, in my capacity as an investigator, this is not solely determinative of whether or not the investigation was successful. As stated previously, there was significant media interest in relation to the subject matter of the investigation, with the subject matter itself being a matter of great importance to the general public interest. It was absolutely essential that the public's concerns relating to the possibility of cover-up by members of the Catholic Church be investigated and explored, and a full and proper report be made in relation to the outcome of the investigation. To my mind, the correct barometer as to a successful outcome of an investigation includes the fact that public concerns and fears are allayed, and are not merely governed by whether or not perpetrators are charged.
33. In terms of Detective Sergeant Little's capacity as the officer-in-charge, to my mind he was the perfect man for the job for a number of additional reasons. From my observations, he showed great empathy and understanding towards victims and witnesses. He was able to manage the witnesses with a great degree of skill and was able to develop a manner with witnesses whereby they would co-operate as far as possible with the investigating police. He was diligent in his duties, pursued all avenues of inquiry without question, and took guidance from myself in relation to the investigation without question.
34. To my mind, it was unfortunate that the investigation carried out by Strike Force Lantle was hampered by the fact that there was not only significant media interest in the investigation, but that Detective Chief Inspector Fox in effect went public in relation to the matters that were the subject of the investigation. At the time when Detective Chief Inspector Fox made public his views in relation to the matter, no formal decision had been made by the Office of the Director of Public Prosecutions as to whether charges should be laid. Given that the investigation was ongoing and



remains ongoing to this date, in order to protect the integrity of the investigation involved police are unable to comment or release information to the general public in terms of the results of the investigation. This has led to the situation whereby on the one hand, Detective Chief Inspector Fox for his part has raised the subject matter of the investigation in the public arena, and the officers involved in the investigation for sound investigative purposes are for their part unable to make any comments, and are unable to bring information into the public arena or provide a running commentary. From my experience as a police officer, investigations are detrimentally affected when the media speculates on ongoing investigations. Unfortunately, what has occurred in the circumstances of this case, to my mind at least, is an example of the media impacting upon an investigation being carried out diligently and with expertise and causing a negative result in the public's perception.

35. In terms of the appointment of Detective Sergeant Kirren Steel as an officer-in-charge, if I believed in my capacity as a specialist consultant that she was either not qualified, did not have the expertise or was otherwise unsuitable for such a position, I would have said so at the time. I had a good relationship with Detective Inspector Graeme Parker and he was a person who I had worked with over many years, and I had no difficulty speaking to him whether upon an open or a confidential level. Had I have had any belief as to the unsuitability of Detective Sergeant Kirren Steel, or any other person involved with Strike Force Lantle, or any other aspects of the Strike Force Lantle investigation, I would have been able to approach him and advise him of my concerns. Never at any stage during the course of my consulting with Strike Force Lantle did I have any such belief. I should also say at this point that my confidence in Detective Inspector Parker was such that had such an issue arose he would have taken appropriate managerial action.
36. After the appointment of Detective Sergeant Little as the officer-in-charge, an investigation plan was brought into existence. I was provided with a copy of such investigation plan. To the best of my recollection, the investigation plan itself was flexible, and it could be varied at any time to meet the exigencies that arose during the course of the investigation. The investigation plan drawn up by Detective Sergeant Little to my mind properly and adequately articulated what the subject matter of the investigation was to be, and what tasks he was to perform as the investigator. A good and well-drafted investigation plan allows an investigator to ensure that the investigation is followed through in a proper and adequate manner. I myself did not have any input into the contents of the investigation plan, though in my capacity as a specialist consultant if I believed that the plan was defective, I may at that point of time bring it to the attention of Detective Sergeant Little's superior. To my mind, the plan was adequate and suitable for the workings of Strike Force Lantle.
37. Annexed to this statement and marked with the letter "Q" is a true copy of a memorandum prepared by myself, dated 13 May 2011. This document was prepared by myself for the purpose of assisting Detective Sergeant Little during the course of his investigations. I refer to the second paragraph on the first page of the document, where I indicated to Detective Sergeant Little that I had immediate concerns of the potential for "mission creep" in relation to the investigation. In terms of the concept of "mission creep", it was my view at the time (and remains my view) that in terms of any investigation it is important for an investigator to have and to maintain an investigative focus. It is for that reason that NSWPF ensures that any investigations carried out by it have appropriate rules and guidelines, including appropriate terms of reference to guide any investigator. This ensures that any investigator himself knows what he or she has to do for the purposes of the investigation. And of course that the command are aware of the investigation focus.

From my experience as an investigator, what can happen in the course of any investigation is that there could be so much material forthcoming during the course of the investigation that an investigator may become distracted from the true objectives of the investigation. This distraction can flow into the investigation itself, especially if a specific mission is not identified. It is for that reason that a strong mission statement is considered to be important in terms of any investigation. If an investigator does not have a specific mission and if an investigator were to accept information forthcoming and thereupon go upon the path of investigating matters which are outside of the mission plan, then in my experience the investigation can become waylaid, unfocused and confused. This could also lead towards a delay in the investigative process and a failure to properly examine or resolve relevant material arising from such distractions. In the case of an investigation being conducted by Strike Force Lantle, if any information was forthcoming which did not directly relate to the terms of reference of Strike Force Lantle and to the mission statement, in those circumstances and no matter how sympathetic an investigator may be to those allegations, proper practice and procedure would require that those allegations be referred to management and be actioned under existing business rules. This may mean that new allegations are referred for investigation to another command or new officer in charge. However, if it be the case that further information is forthcoming which is directly relevant for the workings of Strike Force Lantle, and if that information is inextricably interwoven with what Strike Force Lantle is to investigate, then in those circumstances it is both proper and appropriate that the subject matter of the investigation be undertaken.

38. On 4 May 2011, I discussed the Strike Force Lantle investigation with Assistant Commissioner York. As a result of my discussions with her, it was decided that I would go to Newcastle City Local Area Command in the following week so as to meet and discuss with Detective Sergeant Little the conduct of the investigation. Annexed to this statement and marked with the letter "R" is a true copy of my diary entry for 4 May 2011. Although I am not completely certain of this, it is my belief that the reason why I was contacted by Assistant Commissioner York on 4 May was because there had been media interest in the investigation in the immediately preceding period. Annexed to this statement and marked with the letter "S" is a diary entry made by myself for 6 May 2011.
39. Annexed to this statement and marked with the letter "T" is a copy of an email forwarded by myself at 14:23 hours on 4 May 2011 to Detective Sergeant Little and his response to my email on the following day, 5 May 2011 at 9:46am. As can be seen from the email communications, arrangements were made for Detective Sergeant Little and myself to meet on 13 May 2011. Annexed to this statement and marked with the letter "U" is a true copy of a diary entry made by myself for 13 May 2011. As the diary entry shows, I did meet with Detective Sergeant Little on that day. Between 4 May and 13 May 2011, I had familiarised myself with the Strike Force Lantle investigation, together with any updating information obtained so as to ensure that when I met with Detective Sergeant Little I could provide him with as much guidance as was necessary for his continuation of the investigation. It was during this period that I in fact gained the greatest knowledge of what had been done during the course of the investigation, the interviews that had occurred up until that point of time, and what information had been forthcoming from witnesses who had been spoken to by investigators. It was also during that period that I became further familiar with the expertise of Detective Sergeant Little and the management capability of Detective Inspector Graeme Parker in relation to the conduct of Strike Force Lantle.

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40. From 13 May 2011 onwards, I provided further assistance by way of consultancy to Strike Force Lantle.

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41. In addition, I made it known to Detective Sergeant Little that if he required any further assistance, apart from my providing consultancy services to Strike Force Lantle, by way of seeking or obtaining legal advice, then I would be prepared to assist him in that respect. Detective Sergeant Little communicated to me by way of email, indicating that he wished to have assistance with respect to documentation/recordings of evidence given by Father Brian Lucas during the course of the Wood Royal Commission. Annexed to this statement and marked with the letter "W" is an email forwarded by Detective Sergeant Little to myself at 6:22am on 16 May 2011. Also attached to such email is an email forwarded by myself to Inspector Wayne Armstrong (Manager Intelligence, Sex Crimes Squad), following up the request for assistance from Detective Sergeant Little. Annexed to this statement and marked with the letter "X" is a copy of an email forwarded by Wayne Armstrong to myself at 9:31am on 17 May 2011, together with my response at 9:49am on 17 May 2011.
42. Annexed to this statement and marked with the letter "Y" is a copy of a letter dated 14 August 2012, forwarded by myself to Mr Rob Watt, solicitor, assistant to the Honourable A Whillam QC. Annexed to this statement and marked with the letter "Z" is a true copy of a letter dated 18 September 2012, forwarded by myself to Mr Rob Watt, responding to a letter forwarded to me by Mr Whillam QC dated 12 December 2012. Annexed to this statement and marked with the letters "AA" is a true copy of a letter forwarded by Mr Whillam QC to me, dated 12 September 2012.
43. During the course of my specialist consultancy to Strike Force Lantle, I did provide progress reports to my immediate superior, Superintendent Kerlatec. However, such progress reports were of an informal nature and were not reduced to writing, apart from sending him cc'd or bcc'd copies of selected emails I had also provided him with briefings on issues arising. For example, a copy of a part of a briefing note appears at annexure "I" and my memorandum of 13 May 2011 (annexure "Q"). I also provided Superintendent Kerlatec with a briefing relating to the issues relating to the obtaining of material in the possession of Detective Chief Inspector Peter Fox that could be of use to the Strike Force Lantle investigators. Annexed to this statement and marked with the letters "BB" is a copy of a series of emails forwarded by Detective Acting Inspector Jeff Little to myself, with such documents being also brought to the attention of Superintendent John Gralton and myself. Apart from this written material, all other briefings provided by myself to Superintendent Kerlatec were done on a verbal and informal basis. This was usual procedure with respect to an investigation such as Strike Force Lantle.
44. My understanding of the role of a consultant in the circumstances that were present during Strike Force Lantle involve being available for advice and guidance when sought out by the officer in charge. The role of consultant sits outside the command structure of Detective Sergeant Little. My role is to advise, when sought out, that

advice can be accepted or not. As a consultant I do not follow the day to day operations of the investigations. Before any advice I provided could be actioned it would need to be supported initially by Detective Sergeant Little. If it was a matter of substance or significant then it would require authorisation of his line command, Detective Inspector Graeme Parker or depending on the issue, the Local Area Commander and in some case through to the Region Operations Manager and Assistant Commissioner Northern Region.

45. I should add that the appointment of a consultant to an investigation is not set in concrete. In the event that continuing investigations or any other issue, significantly change the circumstances as originally assessed and the 'expertise' of the Sex Crimes Squad is required, a further Request for Assistance can be submitted and the merits considered by the State Crime Command.
46. In terms of my having any personal knowledge with respect to concealment of offences by clergy with the Catholic Church, I would in all respects defer to the opinion of Detective Sergeant Little who was the officer-in-charge of the investigation. I do not have any specific or independent recollection of any obstruction of the investigation by members of the Catholic Church.

Redacted at Commissioner's direction

47. In terms of the complexity of Strike Force Lantle and the subject matter of the investigation, and the expertise and skill required by an investigator, it is my opinion and has remained my opinion at all times that the investigation was within the capacity of the Newcastle City Local Area Command, as well as the officers who were allocated to Strike Force Lantle. I have already expressed my view as to the excellence of the investigation carried out by Detective Sergeant Little and the team engaged with Strike Force Lantle. From my observations, Detective Sergeant Little was strongly supported in all aspects of his work with Strike Force Lantle by Detective Inspector Graeme Parker. The Newcastle City Local Area Command has complete capacity to deal with all aspects of the investigation, and in terms of my role as a specialist consultant, I did not have any difficulties whatsoever in assisting with the investigation, or having the investigating police officers carry out the work required of them in terms of the investigation. As the investigation progressed and matters unfolded, no complexities were revealed or developed in terms of the ongoing investigation. In all respects, it was my view that the officer-in-charge of the investigation was more than capable of dealing with any matters that developed, and any avenues required to be further investigated.

#### Requests for legal advice

48. In paragraph 41 above, I briefly outlined how, apart from my providing consultancy services to Strike Force Lantle, I would be prepared to assist Detective Sergeant Little by facilitating the seeking or obtaining of legal advice. Details of two requests for legal advice received by me from Detective Sergeant Little are set out below.
- (a) On 28 January 2011 at 1.54pm, I received an email from Detective Sergeant Little. I forwarded that email with some background to Ms Vivienne Paster, Legal Officer at State Crime Command on 2 February 2011 at 10.07am. I received a response on the 22 February 2011 at 3.55pm which I then forwarded to Detective Sergeant Little on 24 February 2011 at 6.46am. Annexed to this statement and marked with the letters "CC" are copies of those emails.

On 22 May 2012 at 1.18pm, I received an email from Detective Sergeant Little. I forwarded that email with some background information to Sergeant Sarma-lee Rumbachs on 24 May 2012 at 4.12pm. I received a response from Sergeant Sarma-lee Rumbachs on 25 May 2012 at 7.25am indicating that she had sent an email direct to Detective Sergeant Little. Annexed to this statement and marked with the letters "DD" are copies of those emails.

Signed

Signature of Paul Yervan Jacob

Date

9 April 2013

" A "

Page 1 of 1

**From:** Paul Jacob/18752/Staff/NSWPolice  
**To:** Brad Taylor/21627/Staff/NSWPolice@NSWPolice  
**cc:** John Kerlatec/18457/Staff/NSWPolice@NSWPolice

**Date:** Thursday, May 20, 2010 02:36PM

**Subject:** Please contact **REDACTED**  
(Sex Crimes)

- message from Jaco

Goodbye Brad

Hope you're all well up there Brad and not working too hard.

Redacted at Commissioner's direction

I made some inquiries then spoke to Dave Waddell who indicated that he had forwarded a file to yourself.

I spoke to **REDACTED** and advised him that this matter was the subject of a current assessment and that the Newcastle LAC is in charge of. I've indicated that I would identify who that person is and have them contact him.

Would you please contact him re this matter. From what I understand from Dave Waddell, although this inquiry/assessment may have to be handled with diplomacy there is no prospect of any criminal investigation outcomes as key persons (ie the offender and decision maker within the church) are both deceased.

Any problems with that please call me, I've just missed you the couple of times I've rang the office. My direct number is 88356700 or e/n 28700

Jaco

Kind Regards,

Paul Jacob  
Detective Inspector  
Manager Sex Crimes Team  
Sex Crimes Squad  
State Crime Command  
Ph 8835 8666  
Fax 8835 8688

THIS IS THE ANNEXURE MARKED "A"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013

Signed

[https://dommp07.glb.police.nsw.gov.au/mail/21627\(nsf/\(\\$Inbox\)/\\$98986A543A8934...](https://dommp07.glb.police.nsw.gov.au/mail/21627(nsf/($Inbox)/$98986A543A8934...) 20/05/2010

"B"

**From:** Brad Tayler/21627/Staff/NSWPolice  
**To:** Paul Jacob/18752/Staff/NSWPolice@NSWPolice

**Date:** Thursday, May 20, 2010 04:12PM  
**Subject:** Catholic Church

Paul

Redacted at Commissioner's direction

I advised him we had received correspondence including media articles in the Newcastle Herald involving his client. I informed him the information forwarded by the Newcastle Herald was being assessed at this stage.

Brad TAYLER  
Detective Chief Inspector  
Crime Manager  
Newcastle City LAC  
Phone: 49266501 E/N 60501

THIS IS THE ANNEXURE MARKED - B -  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013

Signed

**From:** Paul Jacob/18752/Staff/NSWPolice  
**To:** Brad Tayler/21627/Staff/NSWPolice@NSWPolice

**Date:** Wednesday, June 02, 2010 02:44PM  
**Subject:** Re: Fw: From Joanne McCarthy, Newcastle Herald

Thanks mate thats a very sensible approach. May solve all of the problems. Jaco

Kind Regards,

Paul Jacob  
Detective Inspector  
Manager Sex Crimes Team  
Sex Crimes Squad  
State Crime Command  
Ph 8835 8666  
Fax 8835 8688  
Brad Tayler/21627/Staff/NSWPolice

Brad  
Tayler/21627/Staff/NSWPolice

02/06/2010 14:42

ToPaul  
Jacob/18752/Staff/NSWPol  
cc  
Subject: Re: Fw: From Joanne McCa  
Newcastle Herald

File is with Region who are forwarding to CET re a decision on whether we investigate these issi  
15 years of age.

Brad TAYLER  
Detective Chief Inspector  
Crime Manager  
Newcastle City LAC  
Phone: 49266501 E/N 60501

THIS IS THE ANNEXURE MARKED 'C'  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2010  
Signed

-----Paul Jacob/18752/Staff/NSWPolice wrote: -----

To: Brad Tayler/21627/Staff/NSWPolice@NSWPolice  
From: Paul Jacob/18752/Staff/NSWPolice  
Date: 02/06/2010 12:29PM  
Subject: Re: Fw: From Joanne McCarthy, Newcastle Herald

Brad

No sign of the file yet, do you have a TRIM No. if so can you find where the file is or alternative  
the details of the number and I'll get someone to look it up.

I'll assess this latest material when I receive the file mate.

Will let you know if the file arrives in the intervening time, but definitely not with me yet.

jaco



Kind Regards,

Paul Jacob  
Detective Inspector  
Manager Sex Crimes Team  
Sex Crimes Squad  
State Crime Command  
Ph 8835 8666  
Fax 8835 8688  
▼ Brad Tayler/21627/Staff/NSWPolice

Brad  
Tayler/21627/Staff/NSWPolice      Tc  
02/06/2010 07:54  
cc  
Subject

Jaco

I assume you have the file I forwarded re Catholic church. Here is more information re REDACTED Royal Commission.

In my opinion, this should be handled by SCC as it requires investigations by specialists in the f

Brad TAYLER  
Detective Chief Inspector  
Crime Manager  
Newcastle City LAC  
Phone: 49266501 E/N 60501

-----Forwarded by Brad Tayler/21627/Staff/NSWPolice on 02/06/2010 07:52AM -----

Redacted at Commissioner's direction

**Redacted at  
Commissioner's  
Direction**

RA Newcastle



Brad  
Tayler/21627/Staff/NSWP  
office  
02/06/2010 07:54

To Paul Jacob/18752/Staff/NSWPolice@NSWPolice  
cc  
bcc

Subject Fw: From Joanne McCarthy, Newcastle Herald

Jaco

I assume you have the file I forwarded re Catholic church. Here is more information re REDACTED  
and some reference to the Royal Commission.

In my opinion, this should be handled by SCC as it requires investigations by specialists in the field.

Brad TAYLER  
Detective Chief Inspector  
Crime Manager  
Newcastle City LAC  
Phone: 49266501 E/N 60501

-----Forwarded by Brad Tayler/21627/Staff/NSWPolice on 02/06/2010 07:52AM -----

Redacted at Commissioner's direction

**Redacted at  
Commissioner's  
Direction**

**Redacted at  
Commissioner's  
Direction**

"D"

Redacted at Commissioner's direction


Bell

- Media frenzy
- acc. child s/a claim

3:30

Redacted at Commissioner's direction

S/F  
Georgiana

- Raff media articles
- Couple
- Accusing cover up/ 
- Put @ in articles
- NSW P. Victims complaints

- maitland - many years ago  
 7/98/01 ~~OLG~~ → → ago  
 Dave Waddell / c/m  
 Lake Mac

THIS IS THE ANNEXURE MARKED • D •  
 ANNEXED TO STATEMENT OF PAUL JACOB  
 SIGNED, THIS 9 DAY OF April 2013

Signed

Wed 19/5/10

Flicked - to  
Newcastle Diocese  
Offender - deceased.

'conceal' - (P)

- Brad Taylor 60501 Newcastle
- investigation for church

**Redacted at  
Commissioner's  
Direction**



"E"

THURS 20/5/10

1/5

boss  
re AAR

next

Fruskin  
CA  
draft

THIS IS THE ANNEXURE MARKED "E"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 4 DAY OF April 2013  
Signed

Redacted at Commissioner's direction

with Newcastle C/M (after 17a's  
Dave Waddell & Mag) → attempt contact  
→ not spoken to.

Redacted

Draft up email to Brad Taylor C/M  
N/C — see opposite

IM N/C  
Brad T.

talk to Brad Taylor — RA on  
way not here yet → should at  
least contact

Redacted at Commissioner's direction

advise → no info current → would  
info/assessing done see email 3 opp



Paul Jacob/18752/Staff/NSWPoll  
cs  
20/05/2010 15:36

To Brad Tayler/21627/Staff/NSWPolice@NSWPolice  
cc  
bcc John Kerlatec/18457/Staff/NSWPolice@NSWPolice  
Subject Re: Please contact REDACTED  
- message from Jaco (Sex Crimes)

Hey Brad

Not here yet Brad, and as I understand the allegations/strep with key persons deceased, one that  
w'd be very unlikely to take on and would most likely refer back. So my initial inclination is to refer  
Redacted inquiry to your office. What do you think. Please give us a ring when you can.

Just tried ringing but you phones busy.

Jaco.

Kind Regards,

Paul Jacob  
Detective Inspector  
Manager Sex Crimes Team  
Sex Crimes Squad  
State Crime Command  
Ph 8835 8888  
Fax 8835 8888  
Brad Tayler/21627/Staff/NSWPolice

95 ish → Maitland  
→ dealt with in  
house.  
→



Brad Tayler/21627/Staff/NSWPoll  
ca  
20/05/2010 15:05

To Paul Jacob/18752/Staff/NSWPolice@NSWPolice  
cc  
Subject Re: Please contact Redacted at Commissioner's direction  
message from Jaco (Sex Crimes)

Redacted at Commissioner's direction

Hi mate

The file is actually on the way to SCC for consideration.

- 2006 reported to police

Brad TAYLER  
Detective Chief Inspector  
Crime Manager  
Newcastle City LAC  
Phone: 49266501 E/N 60501

- Catholic Professional  
Standards

Paul Jacob/18752/Staff/NSWPolice wrote:

To: Brad Tayler/21627/Staff/NSWPolice@NSWPolice  
From: Paul Jacob/18752/Staff/NSWPolice  
Date: 20/05/2010 02:36PM  
cc: John Kerlatec/18457/Staff/NSWPolice@NSWPolice  
Subject: Please contact Redacted at Commissioner's direction - message from Jaco (Sex  
Crimes)

ABC Tuesday night

Goodays Brad

Hope you're all well up there Brad and not working too hard.

Redacted at Commissioner's direction

I made some inquiries then spoke to Dave Waddell who indicated that he had forwarded a file to yourself.

I spoke to REDACTED and advised him that this matter was the subject of a current assessment and that the Newcastle LAC is in charge of. I've indicated that I would identify who that person is and have them contact him.

Would you please contact him re this matter. From what I understand from Dave Waddell, although this inquiry/assessment may have to be handled with diplomacy there is no prospect of any criminal investigation outcomes as key persons (ie the offender and decision maker within the church) are both deceased.

Any problems with that please call me, I've just missed you the couple of times I've rang the office. My direct number is 88358700 or e/n 28700

Jaco

Kind Regards,

Paul Jacob  
Detective Inspector  
Manager Sex Crimes Team  
Sex Crimes Squad  
State Crime Command  
Ph 8835 8666  
Fax 8835 8688

F

8/2010/82506  
0/2010/4966

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 Deunis 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).

Redacted at Commissioner's direction

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 Rogrove (or Redgrave) and Father W Burston. 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.

Redacted at Commissioner's direction

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.

THIS IS THE ANNEXURE MARKED F ANNEXED TO STATEMENT OF Paul Jacob SIGNED, THIS 9 DAY OF April 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 to 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 to 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 later 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 POL 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.

Redacted at Commissioner's direction

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.

Redacted at Commissioner's direction

Redacted at Commissioner's direction

Information Report I17256624 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 Merriwa 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 the sisters / AL (E) 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 AL & AK 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 McAlinden (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 AL & AK 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 75 "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 AL & AK's 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 Malons 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 McAlinden 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 outcome 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 McA Linden 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 cooperation 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 be 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** and **AK** including their attitude 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 her over the appropriateness of potential involvement of SCC. Commander to identify an appropriately skilled investigator to undertake initial tests then file a report provide some comprehensive background. Consideration might be taken in utilising SCC as in an advisory capacity to assist if matter is transferred at appropriate time.*

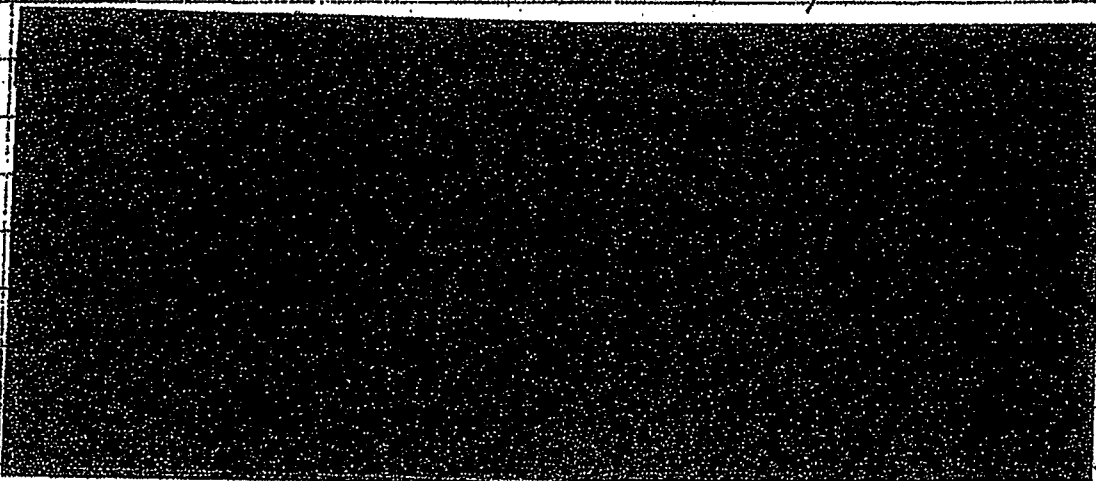
Signed

2. Commander, Newcastle *CC*

*CC 1/9/10.*

"G"

Thurs 2/12/10.



Graham Packer A/Op.

REDACTED

THIS IS THE ANNEXURE MARKED "G" ANNEXED TO STATEMENT OF Paul Jacob

SIGNED THIS 4 DAY OF April 2010

Signed

- Are requesting assistance. Big matter
- significant roll over of manager.
- debrief Monday
- Will then approach JK on Friday of next week.

- Roll over will dump on Catholic Church
  - Doc's ACT, Catholic insurance cap.
  - Show methods used to hide, move, suppress

- Waratan /u Monday. OIC /1st Kirren Steel. - e/n 60595 REDACTED

Redacted at Commissioner's direction

- George Pell - 'Encompass'
  - Retreat for Clergy
  - Method of moving staffs

Explain to GP that appears on surface that good info will be provided on way the Cath. Church suppressed or minimised, moved staffs. 7 clearly

Thurs 2/12/10

wrong but o/s SCS → if victims  
were reporting etc.

EG NSW R.C. → Paedophile Segment  
very critical of Church organisations  
but in end no individual charged  
etc.

Similar systems/processes dented  
but...

Will have Nigel Warren attend  
Waratah to scope/assess issues  
raised by roll out.

Continue office to 3:45pm.

(in car) confer Nigel re same  
set for Monday.

Then speak to Deb Robins, Rach McKay  
& ingis/assess/attention to addressing  
issue of pink from am fixed.



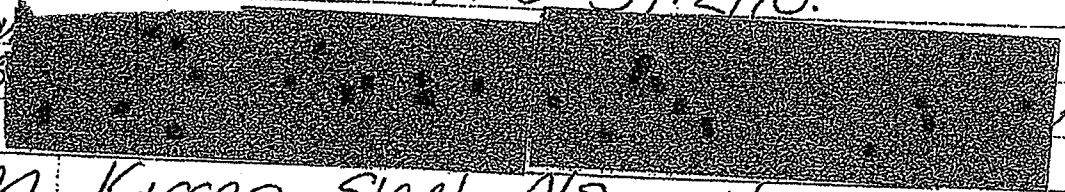
THIS IS THE ANNEXURE MARKED • H •  
ANNEXED TO STATEMENT OF Paul Jacob

SIGNED THIS  
Signed

A DAY OFF April 2013

End 3/12/10.

Ed  
Ed



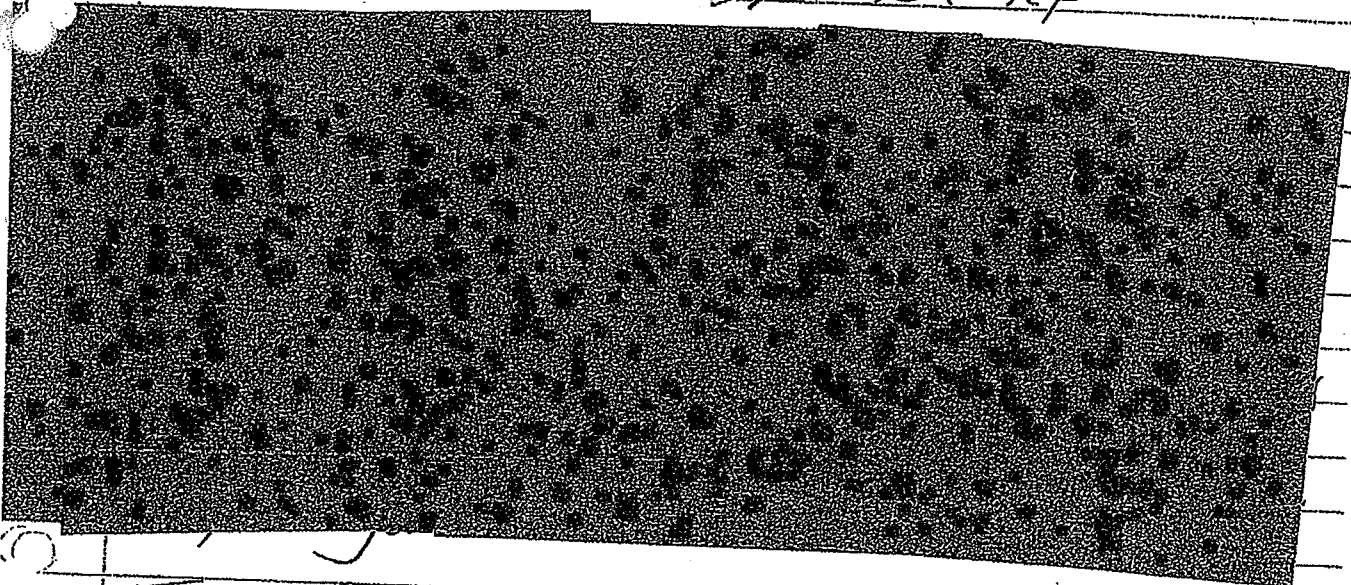
me

men Kirren Steel D/Sgt N/Castle.

rel. e/n - 60595  
(message left)

Redacted at Commissioner's direction

Give Attention to office duties admin  
istration & correspondence



M. Terry Murray 9709 4726 re Surwell  
ass. once assist

en Then speak to D/Sgt Kirren Steel  
1. Newcastle re allegations of  
corrupt paedophile activity by the  
Catholic Church. Discuss initial  
concern @ SCS relevance →  
policy/ombro/political dimension to  
methods employed by Cath. Church  
re paedophiles

Fri 3/2/10.

Sgt  
Tele

- Followed Manager of Zimmerman  
house

Castle

- has assis. in allegations @  
priests in Newcastle area.

- Manager 30 years.

- Dismissed in 2000 (re her knave)

- Since dismissal had been in  
regular cons with 'offside' NH

John Joanne McCarthy.

- Manager no hidden agenda.

- Privy to lots of decisions thru  
location

- did not speak previously - bound  
by confidentiality clause in  
contract

A/A

Meeting now deferred until <sup>Frida</sup> Thursday  
proposed to do so at N/Castle

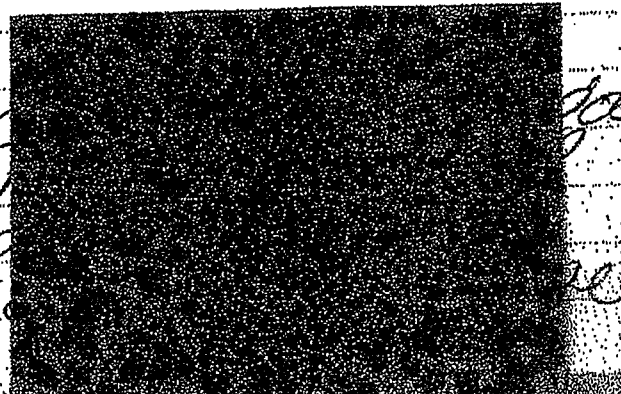
Suggest meeting of call team

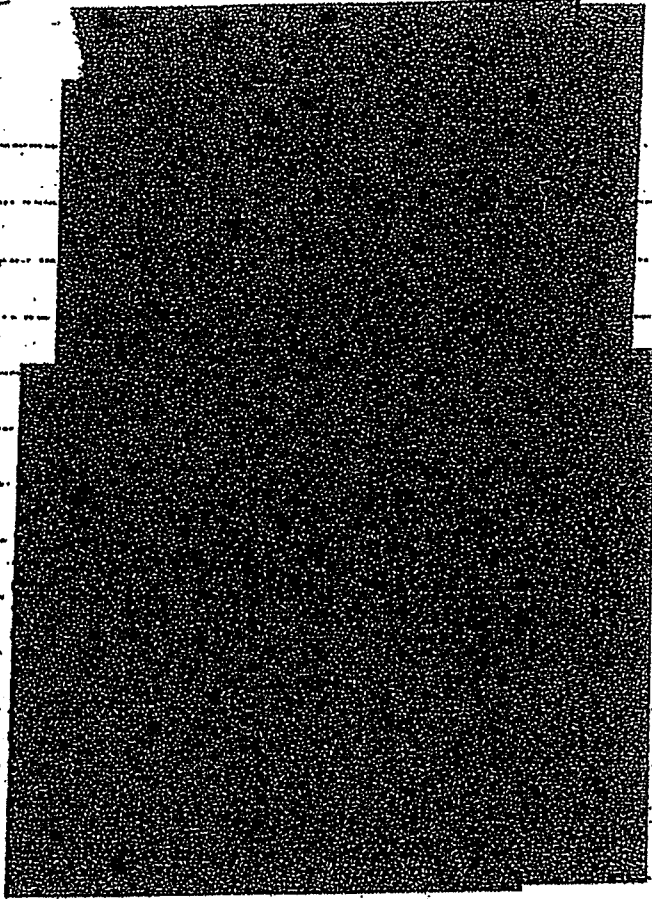
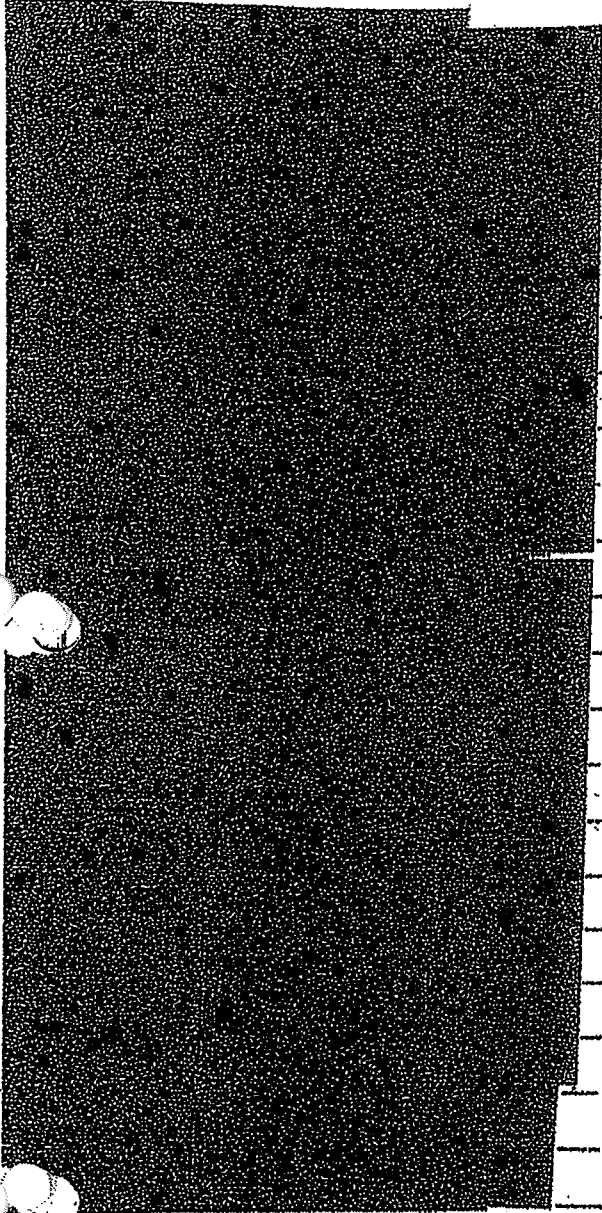
Thursday pm → present am

Friday for 11.0.

A/A

Keenan to send previously (now  
date report) for background (text)



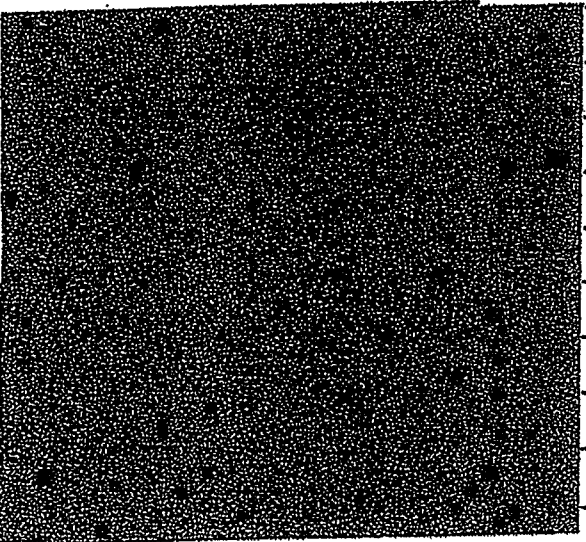


Newcastle LAC - a meeting was held by the North Region Ops Manager and the team investigating the allegations that The Melkand/Newcastle Diocese of the Catholic Church as covered up and suppressed evidence of paedophile priests.

We've dealt with this previously and considered it not a matter for us. However there has been a development in that the investigating police have now a roll over, who was until 2000 the Manager of the Church Zimmerman House for problem priests. She had previously apparently been prevented from talking due to confidentiality clauses in her contract. However since being dismissed in 2000 been she has been in contact with a journalist from the Newcastle Herald who has reported widely (locally) on this issue. Focal political hot potato with the north region.

I stressed again that it is difficult for the Sex Crimes to investigate the policy, behaviour, methodology of the Catholic Church and their management of allegations of paedophile activity. I did so both with the Adlay Region Ops manager and the OIC. They were scheduled to commence taking the statement from the roll over on Monday so I arranged for Nigel and one other to go up, debrief the OIC and assess the type of product coming from the roll over, this interview has now been deferred until Friday. Propose to send two up Thursday, go through the brief with the OIC during the afternoon and be present to assess the product coming from roll over on Friday.

L. REBONSER - 4



THIS IS THE ANNEXURE-MARKED - I  
ANNEXED TO STATEMENT OF

SIGNED THIS

DAY OF

Paul Jacob  
April 2013

Signed

"J"

From: Mirra Steel/2645R/Staff/NSWPolice  
To: Paul Jacob/LBTS2/Staff/NSWPolice@NSWPolice  
Date: Tuesday, December 07, 2010 11:07AM  
Subject: s/f Lantle

Hi Paul,

Just wanted to confirm with you that you received the fax the other day in relation to the Catholic Church inquiry? Was the information contained in that fax sufficient for you to get an idea of the job or do you still require me to send a summary of what we have? Our summary is basically what is contained in the file by Gary Townsend with additional information from a Mr Helen KEEVERS who I'm meeting with this Friday.

Regards  
Mirra Steel  
Detective Sergeant  
Newcastle City Detectives Office

THIS IS THE ANNEXURE MARKED "J"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013.

Signed

THIS IS THE ANNEXURE MARKED "K"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013

Thursday 9/12/10.

Signed

1.30 Old h/a then commence journey  
to Newcastle re call over

Newcastle  
C. No  
Working

Newcastle Then to Newcastle Det/D office  
to see D/A/Supt Parker (Region  
Ops) D/C/I Andrew Townsend,  
Police Det Insp Brad Taylor & Det Sgt  
with Leon Steel. Briefing on alleged  
conspiracy of Catholic Church  
covering up sexual  
abuse.

- Review of post on.

- No comment victims of  
offender(s) still around.
- Both (D)'s appear to have  
progressed through Beyond  
Healing
- Fail to see (at this stage)  
any conspiracy to cover up.
- Processes followed.
- Reviewers key → I/O am  
important. I/P assist in  
same & develop I/O plan.



Thurs 9/12/10

Thurs  
evening  
on  
their  
week

- Discuss media impact  
N/C Herald.

- Potential source within NSWP  
Pushing major investigation

- (1) Stat -> part done of complain  
@ Kieren Steel - need to progress

- Keene IV -> EKSP - stat  
spin offs on sig issues

- Then proposed IV Archbishop SA  
(offered pen by 50% coms PJ)

A/A

- RT considers that on what is  
known now Cath Church IV &  
victims, took/commenced action  
against off. victims through  
B/H process.

- Action must be to IV detail Keene

Redacted at Commissioner's direction

- Only issue is why report 1995  
B/H sign off 2008

Then further with Kieren Steel  
plan on preparation/interview plan.  
discuss issues/focus/aspects  
requiring further exploration &  
conspiracy issues

Ms Keene supporter of beyond  
healing process - position change  
afft assisting with S/F  
Georgia.

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
- DCI TAYLER
- D.I. FOX
- Det. Sgt. STEEL
- Det. Sen. Con. FRENEY
- Det. Sen. Sgt. QUINN

THIS IS THE ANNEXURE MARKED L  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 1 DAY OF April 2013.

Signed

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

Superintendent MITCHELL outlined that Newcastle City LAC has carriage of investigations relating to A K, AL 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.

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 1960s 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.



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 AJ 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 COTTER 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.

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

"M"  
THIS IS THE ANNEXURE MARKED "M"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013

Signed

Friday 10/12/10.

13a. Old h/a records/daybook commence journey to Newcastle LAC.

Contact/confer O/I Mick Haddock re S/F Sussex / strike / update / report for strike force.

Then to Newcastle → Confer O/I Brad Taylor, D/Sgt Kirren Steel & Darren Irwin re i/v of Helen Keever's. Review issues in prep.

Then confer D/C/I Brad Taylor re RA. then attention to same. Confer Mick H. & send off.

Then attention to RA TOR/I.A report for S/F Sussex (see opp). Confer Mick re same - staffing & mission statement.

Continue same & meal 1.50pm to 2.20pm.

Continue office re records backcopies of day book

Then meeting with D/Sgt Kirren & Irwin re progress of electronic interview of Mrs Keever's.

- very supportive of inquiry

Fri'd 10/17/10.

- progressing through blog of employment, Zimmerman Hoop Encompass in Sydney
- issue! relating to history of beyond heating process/its predecessor & his attitude to same.
- Next i/v will be concerning area re McAlinden allegations & management.

THIS IS THE ANNEXURE MARKED "N" "N"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013.

D/2010/82506

Signed

**ISSUE:**

Request for Sex Crimes Squad Specialist Consultancy by Newcastle LAC -  
Strike Force Lantle Investigation into the alleged concealment REDACTED  
Bishop Michael Malone and others of sexual assaults  
committed by Dennis McAlinden (deceased).

**Background:**

It has been alleged 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 its priests Father Dennis McAlinden (now deceased)  
and that they failed to report that information to police. Rather action was  
taken to have McAlinden removed as a priest under Canon Law. There has  
been considerable local media attention by one particular journalist with the  
Newcastle Herald who has reported on this alleged 'conspiracy'. A detailed  
report on this matter, by Detective Inspector Anthony Townsend Operations  
Manager Northern Region, dated 12 July 2010 is attached for information, if  
required.

**Comment:**

Although this matter has not been the subject of a previous formal SCC Request  
for Assistance, Detective Inspector Jacob, Sex Crimes Squad has on a  
number of occasions had verbal conversations with Detective Inspector Brad Taylor and  
others of Newcastle/North Region relating to this matter. A meeting was  
recently held by the Northern Region and Newcastle LAC Command and as a  
result Detective Jacob was contacted and requested to attend a meeting.

On Thursday 9 December 2010, Detective Jacob attended a meeting at the  
Newcastle LAC with the Operations Managers Northern Region Detective  
Inspector Parker and Townsend, Crime Manager Newcastle Detective Chief  
Inspector Taylor and Detective Sergeant Kirren Steel the OIC.

An investigation plan was developed to approach the specific allegations  
made. Detective Jacob assisted in developing the strategy to be used. And  
on Friday 10 December 2010 Jacob attended for the interview (expected to be  
lengthy) of a witness who was employed by the Catholic Diocese in the  
Newcastle area for 30 years and assisted in developing an interview plan for  
this witness. The course of this investigation will be dependent on the  
information/evidence provided by this witness.

Whilst this investigation will remain a Newcastle LAC led one it is appropriate  
that consideration be given to allocating Detective Jacob to Strike Force  
Lantle as a specialist consultant to assist Detective Sergeant Kirren Steel in  
her investigation. I have discussed this aspect with Detective Chief Inspector  
Taylor who agrees that this course will be beneficial to this investigation.

The investigation is being managed on e@gle.l - Newcastle LAC Strike  
Force Lantle.

**Recommendation:**

It is recommended this RFA be accepted and Detective Jacob be allocated as specialist consultant to Newcastle LAC Strike Force Lantle.

Signed

Paul Jacob  
Detective Inspector  
Manager, Investigations  
Sex Crimes Squad  
10 December 2010

1. **Commander Sex Crimes Squad**

Supported. Det Insp Jacob is the most appropriate member of this Squad to provide consultancy support.

Signed KERLATEC 10-12-10  
Detective Superintendent

2. **Director Serious Crime Directorate**

Agreed. It is appropriate for D/ Jacob to provide a consultancy to this investigation.

Signed  
M. A. LANYON  
Detective Superintendent  
13/12 For Director  
Serious Crime Directorate

THIS IS THE ANNEXURE MARKED "0"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013

COPY

Signed



Jodie  
East/40173/Staff/NSWPolice  
13/12/2010 15:24

To Kirren Steel/26458/Staff/NSWPolice@NSWPolice, Anthony  
Townsend/20978/Staff/NSWPolice@NSWPolice, Justin  
Quinn/23028/Staff/NSWPolice@NSWPolice  
cc Paul Jacob/18752/Staff/NSWPolice@NSWPolice

boo

Subject S/F LANTLE



OFFICE OF THE DIRECTOR  
State Crime Command  
Organised Crime Directorate  
NSW Police Headquarters  
Locked Bag 5102, Parramatta 2124 NSW  
Phone: (02) 8835 8350 EagleNet: 28350  
Facsimile: (02) 8835 8355 EagleFax: 28355

## MEMORANDUM

Good afternoon,

A request for assistance was submitted by Detective Sgt Kirren Steel to the Sex Crimes Squad, State Crime Command (SCC), in relation to S/F LANTLE. (Investigation into the alleged concealment by **REDACTED** Bishop Michael Malone and others of sexual assaults committed by Dennis MORRISON).

A determination has been made by Detective Acting Chief Superintendent Lanyon, that Detective Inspector Jacob of the Sex Crimes Squad be allocated as specialist consultant to Newcastle LAC- S/F LANTLE. Detective Inspector Jacob can be contacted on E/N 28700.

Thanking you,  
D/S/C Jodie Archer



Jodie East  
Detective Senior Constable | Serious Crime Directorate Operations Support Unit  
State Crime Command | NSW Police HQ Level B9, 1 Charles St Parramatta 2160  
(02) 8835 8368 E/N 28368 | Fax (02) 8835 8365 E/Fax 28365 | e-mail - eastjod@police.nsw.gov.au

"P"

THIS IS THE ANNEXURE MARKED - P  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS DAY OF



New South Wales Police Force

### Request for State Crime Command Assistance

**NOTE: If requesting specialist advice ONLY please contact State Crime Command switch on 02 8835 8599 e/n 28599 to be transferred to the appropriate Squad. THERE IS NO NEED TO COMPLETE THIS FORM. If requesting assistance from JIRT fax request directly to Co-ordinator JIRT on 02 8835 8699 e/n 28699.**

#### DETAILS OF REQUESTING AGENCY

Command/Agency: Newcastle LAC Date: 10/12/2010  
Case Officer: Det Sgt Kirren Steel Phone: 70008 Fax: 70634

#### NATURE OF REQUEST

1. Type of Offence/Incident: Allegations that Catholic Church has covered up evidence of Child SA  
Time/Date of Incident: From Incident in 1995 COPS No: Nil

2. Reason for Request:  
 This matter requires investigative expertise available only within SCC.  
 There are reasonable grounds for suspecting the involvement of crime organised.  
 Does the matter otherwise warrant SCC involvement? eg Cat 1 Homicide, kidnapping  
*A detailed report MUST be attached to enable a risk assessment to be completed. (attached)*

3. Has this matter previously been the subject of a SCC Investigation Agreement?  
 Yes If yes, indicate CAC number:  
 No

4. Which Command do you propose lead the investigation:  
 Region / LAC  
 State Crime Command

5. Proposed Level of assistance: (Please specify what resources can be provided from your Region/LAC for the proposed investigation)  
 Staff from Region/LAC (state below) Det Sgt Kirren Steel  
 Resources (eg: motor vehicles and/or equipment)

6. Proposed location of Investigative Team: Newcastle LAC

7. Proposed Level of State Crime Command involvement:  
 Full State Crime Command investigation  
 Joint investigation - *Specialist consultancy*

|                                  |                       |                                     |
|----------------------------------|-----------------------|-------------------------------------|
| Approval by Local Area Commander | Signature:            | Signed _____<br><i>Kirren Steel</i> |
|                                  | Name:                 |                                     |
|                                  | Phone:                |                                     |
|                                  | Date: <i>10/12/10</i> |                                     |

Case Officers should complete this form and fax to 02 8835 8355 / 28355. For help in completing form contact 02 8835 8353 / 28353  
Version - 25/11/03



0/2010/182506

0/2010/4966

### 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 Donald 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 de-roofing but a complex procedure pursuant to Canon Law).

Redacted at Commissioner's direction

The file also identifies other clergy who may be involved in concealing serious offences including Redacted at Commissioner's direction Father Brian Lucas, Allan Hart, former nun Paula Regrove (or Redgrave) and Father W Burston. 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.

Redacted at Commissioner's direction

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.

## Principal Allegations Relating to Father Dennis McAlinden

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 to 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 I7835027 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.

Redacted at Commissioner's direction  
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 COP's 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.

Redacted at Commissioner's direction

Redacted at Commissioner's direction

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 the sisters AL and 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 references 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 AL and AK 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 AL and AK 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 and 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 AL and AK's statements speak from themselves

Redacted at Commissioner's directi

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 and AK in 1995 concerning McAlinden 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

- o Whether or not the prosecution would be perceived as counter-productive; for example, by bringing the law into disrepute.
- o Special circumstances that would prevent a fair trial from being conducted.
- o The staleness of the alleged offence.
- o The availability and efficacy of any alternatives to prosecution.
- o The likely outcome in the event of a finding of guilt, having regard to the sentencing options available to the court.
- o Whether or not the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.
- b The degree of culpability of the alleged offender in connection with the offence.
- o Any mitigating factor.
- o The alleged offender's antecedents and background.
- o The attitude of the alleged victim.
- o Any entitlement or liability of a victim or other person or body to criminal compensation, reparation or forfeiture if a prosecution is undertaken.
- o 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 McAlinden 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 and AK, including their attitude to reporting the matters to the police in 1995 and when the offences by McAulinden 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 and 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 the coroner the appropriateness of potential involvement of SCC. Commander to identify an appropriately skilled investigator to undertake initial enquiries the file & report provide 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

2. Commander, Newcastle SCC.

1/9/10.

" Q "

THIS IS THE ANNEXURE MARKED *Q*  
ANNEXED TO STATEMENT OF *Paul Jacob*

SIGNED, THIS *9* DAY OF *April* 2013

Signed

**MEMORANDUM**



**NSW POLICE**  
www.police.nsw.gov.au  
ASN 43 056 613 160

**STATE CRIME COMMAND**

**To:** Detective Sergeant Jeffrey Little

**CC:** Det Insp Graeme Parker (Crime Manager Investigations Newcastle)  
Det Supt John Kerlatec (Commander Sex Crimes Squad)

**From:** Det Insp Paul Jacob Manager Sex Crimes

**Date:** 13 May 2011

**Subject:** S/F Lantle review of current position.

Dear Jeffrey

I have now had an opportunity of reviewing the documentation collected and investigative records held concerning the ongoing investigations into allegations of a 'cover up' by members of the Maitland Newcastle Diocese of the Catholic Church re child sexual assault allegations.

As indicated to you I have immediate concerns of the potential for 'mission creep' in relation to this investigation, this tendency is evidenced in media reports and other documents. I note that this investigation should remain focused upon the original mission - is there sufficient evidence to support charges of conceal serious offence(s) or similar by members of the Maitland Newcastle Diocese of the Catholic Church concerning allegations of sexual assault by *AL*

*AK* Peter Cogarty and *AJ*

Additional allegations concerning the management of these types of matters by the Catholic Church should not form part of this investigation. Your mission should reflect that focus. (if any additional victims who come forward to police that are not connected to this investigation they should be managed under existing business rules).

It is clear that this 'investigation' will be the subject of continual media reporting, particularly by the Newcastle Herald and in my view, it is in the interests of the Newcastle LAC to commit to resolving the investigation as soon as possible.

**Sex Crimes Squad**

NSW Police Headquarters Locked Bag 5102 Parramatta NSW 2124

Tel (02) 8835 8686 Fax (02) 8635 8688 TTY (02) 8211 3776 (Hearing/Speech Impaired) Ensl 28666 Efax 28688

REDACT

Having reviewed the Strike Force Little Investigation Plan and other documentation held I make the following observations, recommendations and suggestions.

1. The 'mission' should be focused upon the original allegations. This mission should be reflected in the business documents (Investigation Agreement and Investigation Plan).
2. I support the Investigation Plan.
3. Although there are *(and will continue to be)* competing demands across the Newcastle LAC, it is apparent that unless there is a commitment to finalise this investigation it will continue to be the subject of adverse media comment.
4. Detective Sergeant Little and another experienced investigator should be appointed to primarily focus on this investigation until its resolved *(in consideration of the historical impact competing priorities have had on this investigation thus far)*.
5. Although I would not normally do so, I strongly support the position that all victims or other key persons interviewed during this course of this investigation be done electronically. This will afford a very accurate account of the interview process and minimise the potential for adverse critique.
6. Further, whilst there may be some witnesses who strictly do not have cogent evidence concerning this investigations objective, I strongly suggest that efforts be made to secure statements/interviews with them. This will ensure that all available evidence is available to Det Sgt Little for his consideration. As importantly negate or at least minimise the potential for such persons to be used adversely in subsequent media reports. As an example - former NSWPF officer now MP for Dubbo Troy Grant who was nominated by Newcastle Herald Reporter Joanne McCarthy.
7. I recommend that all efforts be made to interview each of the subject persons of interest. Redacted at Commissioner's direction, Former Bishop of the Maitland Newcastle Diocese Michael Malone, Father Brian Lucas, Father Allan Hart.
8. Additionally other personnel attached to the Catholic Church should be interviewed on this matter they are Former Professional Standards Managers, John Davoren, Father Bill Burston and Former Sister Paula Redgrove

9. All efforts should be made to secure any relevant documentation held by the Catholic Church concerning the subject of this investigation.
10. Det Sgt Little should liaise with the Ombudsman concerning any relevant holdings on this investigation that they may have.
11. At the conclusion of the investigative process, Det Sgt Little should complete a comprehensive report which should be submitted to NSWPF Legal Services Branch (Initially) for a formal opinion on the likelihood of charging any person criminally.
12. Once that decision is made in consultation with the Police Media Unit, a plan should be developed, to notify the community of the result of the police inquiries concerning this matter.

In my view the extent of the NSWPF role in this matter should be to investigate whether or not there is evidence to support criminal charges. It is not a matter for the NSWPF to address perceived deficiencies in the way in which the Catholic Church managed issues of this nature.

Signed

Paul Jacob  
Det Insp

Wed 4.5.11

This is the agreement made  
in agreement to the statement  
of Paul Jacob signed  
9 April 2010

Signed

1.55  
A/C York  
Catholic  
Church  
19/5.

Contact Carlene York AC with  
Region 3 Re Catholic  
Church consultancy → comment  
SITREP → desire to identify position  
& make decision on future direction  
suggest PJ → Newcastle OIC  
Jeff Little - meet next week  
& advise.

A/C York  
update.

AC York meet 16/5 → decision  
Email to Jeff L. Advise Boss



"5"

Friday

6.5.11

6.10

old SCT records diary messages 1995  
comps/SAP.

SJFlanthe

Attention to a/book & 1995 SJF Lagre  
+ media issues. - meet planned a/1005

This is the annex  
made as referred to  
in the statement of  
Paul [unclear]  
[unclear] 10/11/05

[Redacted signature area]

Signed

[Redacted text]



05/06/2011 09:48

Subject: Catholic Church Inquiry - (From Jacob)

Friday Jacob,

Friday the 12th - there's an omen. That's the only 'morning' I have had of it AKA. Otherwise, omelette on 12, 12, 13 one day at 12:40 PM.

It's timely actually. Have you seen the contents of the below link?

<http://www.20news.com.au/news/local/news/2011/05/06/11050622138522.html>

At least from next week I will be taken 'off line' to avoid being further smothered by other matters (i.e. the AHF) so I hope to really make an impact on the

Anyway let me know Friday or please stick forward to your mail

Kindest regards,

Jeff LITTLE  
Detective Sergeant  
Newcastle Detective  
Engle: 70904

-----Patt Jacob-16752/Sheriff/11/05/2011

To: Jeffrey Little/274785/Sheriff/NSWPolice@NSWPolice  
From: Patt Jacob/18752/Sheriff/NSWPolice  
Date: 05/04/2011 14:23  
Subject: Catholic Church Inquiry - (From Jacob)

Goodbye Jeff

Are you around next week, Jeff?

I apologise that I have not been in a position to spend a bit of time with you to re the Catholic Church matter. My boss, John Walker has just asked for an update on it. I explained that the last time we had an opportunity to get together you were getting smothered on the armed robberies investigation (which I was up there for the Warrick trial). Then I had forced annual leave yadda yadda yadda

Anyway it would be great if we could get together next week, work up the final approach to it so I can report by to my boss on the outcome. Can you let me know if there is a particular day that suits, it would be good if it could be in the morning.

Jacob  
28700

Signed

### Inquiry into church cover-up 'disgrace'

BY A MANDATORIANITY

14 May 2011 10:05 AM

THE police investigation of an alleged Catholic Church cover-up of a pastor peddling the priest has been branded a "disgrace" after nearly a year of delays, including the loss of a three-member witness team charged with investigating it.

Police went back to review any lost work, it was revealed police could potentially police David McAlinden, one of only a handful of former Australian investigators of alleged church cover-ups of child sex offender priests.

The appointment of Detective Inspector Charles Taylor to head the trial unit in late 2009 almost a year after the Newcastle Herald had raised over church documents related to McAlinden.

The 1995 document showed senior church figures tried to secretly force McAlinden from the priesthood, in full knowledge of the criminal nature of his previous conduct from the "grave problems for the community" his former supervisor, and a Mass reporting him to police.

The documents showed bishops Michael Maher and Leo Clarke and Archbishop of that time police were investigating whether another former priest, Vincent Ryan, had taken the matter to police.

The document accused McAlinden, whose victims were young girls aged four to 12, that his "good name" would be protected by the confidential nature of the process.

But despite the document, the refusal of police to investigate, and support for a full investigation by the Australian Law and Alliance and other NSW Police to start investigating the 1995 case, the police investigation was stopped.

The NSW Law and Alliance NSW spokesman, Ian Ashpin, admitted the "disgrace" and the police handling of the matter was a "disgrace", and "it seems to me there has been a failure by the police to do what they were asked to do, to investigate properly, to try to do what they should do."

Police handling of the matter has been a disgrace.

The failure of police to eventually respond to a complaint about police treatment lodged by the NSW Police union concerned by investigators.

The failure of a senior police officer with responsibility for the McAlinden matter to respond to an offer of help had just been from the then police officer Tony Street, who investigated Vincent Ryan. McAlinden, a non-protected NSW government MP, said the truth be told "obviously committed state will never be known that have to be both investigated."

The loss of experienced Police Force Sergeant detective James McJ and from the police service in June last year after his recommendation in a full investigation of the alleged McAlinden cover-up was rejected by senior police.

A repeated rejection of Detective Chief Inspector Peter Post's offer to work on the McAlinden case, despite his investigation of the point in 1995 when he learned to contact for McAlinden's report. The rejection had just been submitted by an officer that he had over statements from several McAlinden victims and would not be investigated with the NSW Police Inspector. The NSW Police would not make any comment on the matter during the matter. Last week, Inspector Post said in a report that he had been told by a senior police officer, which has included allegations of several officials about police handling of the matter from last April.

Statements from witnesses alleging a senior Australian Catholic Church figure had knowledge of the various nature of McAlinden's offences in 1992 when he allegedly spoke directly to a number of McAlinden victims to take notes against the priest. Police were not contacted. It was not until two years later, in 1994, in police to be about to charge Vincent Ryan that the church failed to properly report McAlinden to the police.

The transfer of the McAlinden case between police commands, and the appointment of Detective Superintendent Wayne Humphrey to manage the case in December after the loss of a three-member witness team and still have in the report of a week.

This week, Detective Inspector Charles Taylor revealed there had been problems but said "the matter will be fully investigated and any matters of criminality arising will be prosecuted."

"It was whatever happened," he said.

Northern Region Commander Assistant Commissioner Charles York said Police Force Inspector James Street had been dismissed.

This is a serious and complex matter currently under investigation and in such a context can be made regarding the conduct of the NSW Police. It is necessary to be certain that NSW Police have conducted this matter properly and in accordance with the guidelines of the NSW Police Act.

Redacted

[Large redacted area]

"0"

THIS IS THE ANNEXURE MARKED  
ANNEXED TO STATEMENT OF P...

SIGNED THIS 1 DAY OFF

Signed

201

Friday 13/5/11

ba Old n/a to commence journey to  
Newcastle HAC re S/F Lattle  
consultancy (7.30 there)

ch Contact office, confer RACH SITREP

Then to N/C D.O. - see O/Sgt Jeff  
Little re S/F Lattle. Then continue  
at same/review documents, I/P/1, 1/1, 1/1,  
statements/ERISP /uis

was Also confer O/I Greene Parker  
C/Men re same.

Then attention to memo briefing  
current SITREP -> confer re same

Then attention to records/comps/  
emails. Contact office confer  
Rach re Draft 8 of NSWPA

Continue to 3pm. old (in field on  
route to 1/1)

Saturday 14/5/11 Rest Day

THIS IS THE ANNEXURE MARKED  
ANNEXED TO STATEMENT OF Paul Joseph

SIGNED THIS

Signed

16 May 2013

Tuesday 16/8/11

615 O/O SCS records diary messages in 19's  
comps records/administration.

Conf boss re Squad SITREP → LTM,  
P. Squad/Andy W.

74 Confer Jeff Little, Newcastle LAC re  
S/F Lantle (a meeting on this date).

Confer/Review letter dated 11/May/1987  
from John Hatten MP to His Grace Most  
Reverend E Clancy concerning allegations  
of sexual misbehaviour by Father D.  
McAlinden.

Consider subject matter critical to  
S/F Lantle & the issue touches directly  
relating investigation which requires  
exploration.

Jeff raises (confidentially) that brother  
of BH was a victim  
of Father Fletcher (deceased). Advised  
due to potential welfare issues.

Then confer with O/S/D Dain Bill e/n  
70636 re possible sex ass upon An  
Mayge. Thank him for his very kind  
assistance & support to hel offer any  
thing he needs from my end to  
him. Also

Then mals with

THIS IS THE ANNEXURE MARKED "W"  
ANNEXED TO STATEMENT OF Paul Jacob

Page 4 of 4

SIGNED THIS 9 DAY OF APRIL 2013

Signed

-----Jeffrey Little/27476/Staff/NSWPolice wrote:-----

To: Paul Jacob/18752/Staff/NSWPolice@NSWPolice  
From: Jeffrey Little/27476/Staff/NSWPolice  
Date: 16/05/2011 06:22AM  
Subject: S/F LANTLE

Defective Inspector JACOB,

Firstly, please accept my sincere thanks for making the effort to attend NCLE and review S/F LANTLE. Your kind words, advice and encouragement were not lost on me.

On another note, is it possible you may be in a position to assist me with documentation / recordings of one of my POI's Father Brian LUCAS? It's alleged he conceded to RCC cover-ups during his evidence at the Wood Royal Commission. Perhaps this information / evidence (if indeed it does exist) may have been forwarded to Sex Crimes for follow-up?

Any assistance in this regard would be appreciated.

Kindest regards,

Jeff LITTLE  
Detective Sergeant  
Newcastle Detectives  
Eagle: 70004

[https://dommp06.gib.police.nsw.gov.au/mail/27476.nsf/\(\\$Sent\)/72D680B642070CBA...](https://dommp06.gib.police.nsw.gov.au/mail/27476.nsf/($Sent)/72D680B642070CBA...) 17/05/2011

THIS IS THE ANNEXURE MARKED "X"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 17<sup>th</sup> Dec 2011  
Signed  
17 Dec 2011

**From:** Jeffrey Little/27476/Staff/NSWPolice  
**To:** Wayne Armstrong/24178/Staff/NSWPolice@NSWPolice  
**cc:** Paul Jacob/18752/Staff/NSWPolice@NSWPolice

**Date:** Tuesday, May 17, 2011 09:49  
**Subject:** Re: S/F LANTLE.

Hi Wayne,

Thanks so much for making the efforts you did - very much appreciated. I will make the ensuing enquiries you suggested. Again, thanks.

Kindest regards,

Jeff LITTLE  
Detective Sergeant  
Newcastle Detectives  
Eagle: 70004

-----Wayne Armstrong/24178/Staff/NSWPolice wrote:-----

**To:** Jeffrey Little/27476/Staff/NSWPolice@NSWPolice  
**From:** Wayne Armstrong/24178/Staff/NSWPolice  
**Date:** 05/17/2011 09:31  
**cc:** jaco1pau@police.nsw.gov.au@NSWPolice  
**Subject:** Re: S/F LANTLE

Hi Jeff,

Regarding evidence that Lucas may have given to the Royal Commission:

1. At it's conclusion the records of the Royal Commission were passed over to the Police Integrity Commission and still remain there. NSWPF Professional Standards

[https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/\\$Sent/72D680B642070CBA...](https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/$Sent/72D680B642070CBA...) 17/05/2011

Command External Liaison Unit is the liaison point between NSWPF and PIC for these purposes. Sgt Gary Ward (e/n 48213) is the person to contact there. I think he will need an email setting out what you want and why. It might pay to have that email coming from the LAC or Region Commander, or at least have them copied in. It could take weeks or months before you hear from PIC.

2. You are right that some material from the Royal Commission was handed over to the Sex Crimes Squad (then Child Protection Enforcement Agency). This was so particular allegations would be investigated - by no means was it all their material. I think it was mostly material about the alleged offences of actual child sex offenders, rather than cover-ups or failure to act. I've searched the electronic files which contain some of the working documents of those investigations and have not found any that refer to Fr Brian Lucas.

3. Many of the police investigations that were conducted in this era were managed on TIMS and later the TIMS data was transferred into Eagle1. This includes some of the CPEA investigations of Royal Commission matters. If it hasn't already been done, you should do a 'Statewide search' on Eagle1 to check if there is anything about him, or any of your other POIs, victims or witnesses who may have had a role in the Royal Commission or police investigations that happened between about 1995-2001. (I've tried searching for 'Brian Lucas' this morning but Eagle1 was giving an error message.)

If there's anything else you think we could help with, let me know

Regards,

Wayne Armstrong

Inspector Wayne Armstrong  
Intelligence Manager  
NSW Police Force, Sex Crimes Squad & JIRS  
Ph 61 (2) 8835 8681  
email: arms1way@police.nsw.gov.au

Paul Jacob/18752/Staff/NSWPolice

Paul  
Jacob/18752/Staff/NSWPolice

17/05/2011 08:12

To

Jeff  
Little  
Way  
Arms

CC

Subject

Re: !

Inspector Wayne Armstrong  
Manager Intelligence  
Sex Crimes Squad

Dear Wayne,

This request arises from the Catholic Church cover-up allegations I  
with Jeffrey Little on Friday and we through a number of areas, one  
the evidence that a Father Brian Lucas gave to the Royal Commission.  
Jeff would like to have a look at that material.

Could you advise the best way to do that, I'm down at Goulburn for

Thanks Wayne.

Jaco

Cc Jeff Little

[https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/\(\\$Sent\)/72D680B642070CBA...](https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/($Sent)/72D680B642070CBA...) 17/05/2011

THIS IS THE ANNEXURE MARKED - Y - "Y"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS DAY OF April 2013.

Signed

IN CONFIDENCE

D/2012/136571



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



14 August 2012

Mr Rob Watt  
Solicitor  
Assistant to the Honourable A Whittlam QC

Watson McNamara & Watt  
Solicitors  
PO Box 424  
Armidale NSW 2350  
DX 6002 Armidale  
Tele: (02) 67725244  
Fax: (02) 6772 6576

Re: Communication from Mr Howard Harrison Solicitor for Reverend Lucas.

Dear Sir

By way of background the New South Wales Police Force Strike Force Lantle was established to,

*Investigate allegations of concealing serious offence by clergy formerly and currently attached to the Maitland Newcastle Diocese of the Catholic Church during the period 1985-1999, stemming from complaints made by*  
AL " AK " Peter Gogarty and AJ "

Detective Sergeant Jeffrey Little, Newcastle Local Area Command was appointed officer in charge of this investigation in December 2010 and has now effectively completed his inquiries. He will be presenting a comprehensive report and brief of evidence to the Director of Public Prosecutions in the near future. The author was appointed consultant to that investigation and has been in regular contact with Detective Sergeant Little.

On Thursday 8 March 2012 Reverend Brian Lucas (Secretary to the Australian Catholic bishops Conference) was electronically interviewed by Detective Sergeant Little as part of his ongoing investigation. This interview was under caution and conducted in the presence of Solicitor Howard Harrison of Carroll & O'Dea Lawyers. As the investigation was ongoing Detective Sergeant Little did not provide a copy of that interview to Reverend Lucas or his solicitor Mr Harrison at that time.

State Crime Command  
Sex Crimes Squad  
Level 6A, 1 Charles Street Parramatta, 2124  
Telephone 02 8835 8724 Facsimile 02 8836 8688 ENel 28724 EFax 28688 TTY 9211 3776 (hearing/speech impaired)  
ASN 43 400 813 150

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



On the 6 August 2012 Solicitor Mr Harrison contacted Detective Sergeant Little by telephone and requested a copy of the interview conducted. Mr Harrison indicated he did not require an immediate answer and is considering his options in light of the NPZ Mr Harrison was advised by Detective Sergeant Little that he would seek advice and provide a response in the near future. Detective Sergeant Little then contacted and advised the author.

Under ordinary circumstances Detective Sergeant Little and I would accede to the request and provide a copy of the interview to Mr Harrison.

However having regard to the Terms of Reference of His Honour A Whillam QC inquiry we consider it appropriate to seek your position on providing Reverend Lucas a copy of his electronic interview, at this time.

The author would be most appreciative if His Honour could consider this issue and provide us with his position in writing. We will then take steps to advise Mr Harrison of the outcome of considerations through Detective Sergeant Little.

Please do not hesitate to contact the author if I can be of any further assistance on the background of this issue or to clarify anything I have written.

Yours sincerely

Signed

Paul Jacob

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

THIS IS THE ANNEXURE MARKED "Z"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 7 DAY OF April 2013  
Signed

IN CONFIDENCE

Mr Rob Watt  
Solicitor  
Assistant to the Honourable A Whillam QC

Watson McNamara & Watt  
Solicitors  
PO Box 434  
Armidale NSW 2350  
DX 6002 Armidale  
Tele: (02) 67725244  
Fax: (02) 6772 6676



18 September 2012

Our Ref: D/2012/165068

Re: Strike Force Lantje -- Request by Father Lucas.

Dear Sir

I acknowledge receipt of a letter from the Honourable A Whillam QC dated 12 September 2012. This is concerning His Honour's position on the provision to Father Lucas or his Solicitor a copy of an electronic interview conducted on Thursday the 8 March 2012. We note His Honour's position.

I can advise that I have this date notified the Officer in Charge of Strike Force Lantje, Detective Sergeant Jeffrey Little of Newcastle and will arrange for a copy of that interview to be provided to Father Lucas or his solicitor.

Thank you for your attention to this matter.

Please do not hesitate to contact the author if I can be of any further assistance.

Yours sincerely

Signed

Paul Jacob

State Crime Command  
Sex Crimes Squad  
Level 6A, 1 Charles Street Parramatta, 2124  
Telephone 02 8835 8724 Facsimile 02 8835 8688 ENel 28724 EPax 28888 TTY 9211 3776 (Hearing/Speech Impaired)  
ADN 43 423 612 100

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

"AA"

D/2012/15505X

**THE HON. ANTONY WHITLAM QC**

Tel. (02) 9223 9711  
Fax (02) 9232 1895  
Email: [awhitlam@sixthfloor.com.au](mailto:awhitlam@sixthfloor.com.au)

Sixth Floor  
174 Phillip Street  
Sydney NSW 2000

12 September 2012

Detective Inspector Paul Jacob  
Manager Sex Crimes Teams  
Sex Crimes Squad  
State Crime Command  
NSW Police Force  
Locked Bag 5102  
Parramatta NSW 2124

THIS IS THE ANNEXURE MARKED "AA"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF April 2013.  
Signed

Dear Sir,

**Strike Force Lantle**

I refer to your letter of 14 August to Mr Rod Watt (copy attached).

You have asked me to let you know my position on providing Father Lucas at this time with a copy of his electronic interview of 8 March 2012. I have no objection to your providing a copy of that interview to Father Lucas or his solicitor and, indeed, I can see no reason why you should not do so.

Yours faithfully,

Signed

(A.P. Whitlam)

Att.

*Liability limited by a scheme approved under Professional Standards Legislation*

"BB"

THIS IS THE ANNEXURE MARKED "BB"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY OF APRIL 2013



Re: Fw: Re: Fw: Fw: peter fox  
Jeffrey Little to: John Gralton  
Cc: Carlene York, Paul Jacob

Signed

09/2012 13:16

Thanks Boss,

I did receive a response, however, when tested, nothing of substance emanated. I had attempted to elicit response to further q's, however, his email bounced back. I made enq's at that point and ascertained he was off on sick report.

Kindest regards,

Jeff LITTLE  
Detective a/Inspector  
Crime Manager  
Newcastle City Local Area Command  
Cm Church & Watt Street, Newcastle NSW 2300  
Phone: (02) 4929 0004 | Eaglenet: 70004  
Fax: (02) 4929 0634 | Eaglefax: 70634  
Email: litt1jef@police.nsw.gov.au

-----John Gralton/26360/Staff/NSWPolice wrote:-----  
To: Jeffrey Little/27478/Staff/NSWPolice@NSWPolice  
From: John Gralton/26360/Staff/NSWPolice  
Date: 09/18/2012 12:26  
Cc: Paul Jacob/18752/Staff/NSWPolice@NSWPolice, Carlene York/18995/Staff/NSWPolice@NSWPolice  
Subject: Re: Fw: Re: Fw: Fw: peter fox

Jeff,

Thanks. I have spoken to AC York and she has suggested that we write to Mr Fox as you have suggested. Could you please draft something on letterhead and send to me electronically. I will then run it past AC York and Paul. It should be along the following lines.....

Mr Fox,

It was reported in a recent Newspaper article Newcastle Herald (Monday 17 Sept 2012 - front page and pages four (4) and five (5), that you may have further information concerning (then use some of the quotes attributed to Peter below).....etc. Whilst it is acknowledged that what is reported is not always entirely accurate, it is critically important that you provide any further information that you have to Det Inspector Graeme Parker, Det Sgt Jeff Little (OIC Strike Force Lantle) or to the State Crime Command Sex Crimes Unit so that it can be assessed, considered and/or investigated as appropriate.

You may also recall correspondence that Det Sgt Jeff Little forwarded to you on DATE concerning any further information you may have that would assist Strike Force Lantle - (Jeff summarise some aspects of your email into several dot points) - Jeff, I presume that you never received a response ?? ? ?? Is that the case? :

Hi Pete,

Thanks for your email. This has been a complex and protracted investigation and to ensure completeness in this regard, I just need to clarify some points raised in your email. To ensure all points are properly and thoroughly clarified, and not lost in translation, I believe email is the best option. You mention, "There are lots of important bits I have collected over the years, most of it in my

head." In the event of any legal proceedings, I'm sure you'll appreciate my determination to properly get to the bottom of this matter. So, just to clarify:

1. You mentioned that "Before Malone retired he commented there was a paedophile network of priests in the Newcastle/Maitland Diocese. Nice to know what he knew & meant by that."

1.1. Who did MALONE make this comment to?

1.2. With such a serious allegation, what supportive statement or evidence did you obtain from him?

2. You mention, "There is a lot of info on past priests (now deceased) that the church knew were paedophiles that were never charged, but victims in the Hunter paid compensation."

2.1. From where does this information come?

2.2. What specific priests are you referring to?

2.3. Did you take any action regarding same?

3. You mention, "That was clearly evident back in the late 90's as I mentioned in reports I sent to SCC in 2003-4 & the intell reports from back then. FLETCHER used to have gatherings at Muswellbrook of a little group that included NP (HARRIGAN, BURSTON, SAUNDERS & RYAN, Redacted at Commissioner's direction

That collection is incredible considering their crimes or involvement in concealing. I personally had dealings with all of them."

3.1. In reference to "...their crimes or involvement in concealing. I personally had dealings with all of them." and resultant of your investigations, what charges were laid relating to "concealing"?

4. You mention, "I spoke to Vince RYAN who would be well worth interviewing".

4.1. When you spoke to him, what information / evidence did Vincent RYAN offer relative to victims AL, AK, Peter COGARTY or AJ?

4.2. What specific evidence do you believe RYAN can offer relative to AL, AK, Peter COGARTY or AJ?

5. You mentioned, "Troy GRANT who looked him up has some really interesting stories too."

5.1. What information / evidence do you know / believe he possesses relative to this investigation?

6. You mention, "There are a lot more victims of McALINDEN that can be tracked down. I would suggest in excess of 10."

6.1.

7.

7.1.

Redacted at Commissioner's direction

7.2. Redacted at Commissioner's direction

7.3. What is it about the "Healing Program" do you say is "questionable"?

8. You mention. Redacted at Commissioner's direction

I doubt you will be allowed to pursue all that because of the scale. That's why I did the reports to SCC 8 years back."

8.1. On what do you base your assertion pertaining to  
Redacted at Commissioner's direction

8.2. In light of the seriousness of their content, would you be so kind as to provide relevant copies of your "...reports to SCC 8 years back." as they relate to this investigation.

9. You mention, "The Fletcher & McALINDEN matters should be filed at Maitland, there may be some documents there worth looking at, in particular the stuff we seized on warrants from the diocese office."

9.1. Do you mean MAITLAND Police Station or somewhere else?

9.2. To ensure I go straight to the relevant item/s, of this material, what documentation do you know is contained within it that specifically relates to AL  
AK Peter COGARTY or. AJ ?

10. You mention, "There was also material filed at the court from the trial."

10.1. Of this material, apart from GOGARTY's tendency evidence as it supported victim GROVES, what specifically supports allegations of concealing offences by clergy formerly & currently attached to the MAITLAND-NEWCASTLE Diocese of the Catholic Church relative to AL AK Peter COGARTY or AJ ?

11. You mention, "... LUCAS is really a linchpin with his previous OS, Vatican connection, training & being a qualified lawyer. He's been involved in the background of so many over the years, as set out by AK, AL & AJ He is the church's 'Mr Fix-It' travelling all over the country."

11.1. I understand LUCAS' alleged involvement as it pertains to this investigation, however, would you specifically clarify your assertion, "He is the church's 'Mr Fix-It' travelling all over the country." and point me in the direction of actual evidence or anything else upon which you base this please.

12. You mention, "You should jump on the net and have a read of his evidence during the Wood Royal Commission in the middle of the Hunter matters, it makes interesting reading."

12.1. I have read his evidence. Is there evidence I'm not seeing or something specifically the Royal Commission didn't act upon?

13. You mention, "I don't have any more documents off the top of my head ... Diary entries I'd have to check, but mostly it is in my head."

13.1. If you would, please let me know the outcome of checking your diary entries including book and page numbers for any relevant entries. Is it possible this could be done with some priority?

Thanks for your assistance Pete. I look forward to your response email.

Kindest regards,

Jeff LITTLE  
Detective Sergeant  
Newcastle City Local Area Command  
Cm Church & Watt Street, Newcastle. NSW. 2300

Phone: (02) 4929 0004 | Eaglenet: 70004  
Fax: (02) 4929 0634 | Eaglefax: 70634  
Email: litt1jef@police.nsw.gov.au

Please provide any additional information urgently so that it can be assessed by Strike Force Lantle and/or State Crime Command Sex Crimes Unit.

John Gratton

Jeffrey Little---18/09/2012 11:55:14---Carlene

From: Jeffrey Little/27476/Staff/NSWPolice  
To: John Gratton/25360/Staff/NSWPolice@NSWPolice  
Cc: Carlene York/18995/Staff/NSWPolice@NSWPolice, Paul Jacob/18752/Staff/NSWPolice@NSWPolice  
Date: 18/09/2012 11:55  
Subject: Fw: Re: Fw: Fw: peter fox

Good Morning Boss,

I was just speaking with D/Insp. Paul JACOB (Mrg of Sex Crimes) regarding public comments made by DCI Peter FOX regarding the need for a RC. Paul suggested strong consideration be given to writing a letter to DCI FOX requesting clarification of his comments regarding "explosive material."

Specifically,

- "there are very good reasons for a Royal Commission and I do not accept Mr Barry O'Farrell's comments that the police force has it all under control. I know of much that I would love to talk to a Royal commission about. I know of a lot of things that are going on.
- "I would love to talk to Joanne McCarthy but an Assistant Commissioner directed me more than a year ago that I was not to talk to her. that still exists and I know that I will have hell to pay for saying that here today. (Applause).
- "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.

• Joanne before I was directed not to talk to her had a victim approach her who . . . wanted to talk to me . . . I sat down with that woman for seven four hour sessions and typed up a statement and let me tell you it's explosive. The material I put together and when I finally contacted the police department I was directed to hand that statement over to other people and to cease my investigations on that matter and to hand over other documents. Do we need a royal commission? By hell we do. Let me tell you.

Just the world according to Jeff, however, I believe Paul makes a pertinent point. At this stage, I believe we have addressed past comments made by Mr FOX, however, if there is further information to what we already have, it needs to be provided to us or Sex Crimes.

Naturally, such a letter would need to come from a very senior officer...

Your thoughts?

Kindest regards,

Jeff LITTLE  
Detective a/Inspector  
Crime Manager  
Newcastle City Local Area Command  
Crn Church & Watt Street, Newcastle NSW 2300  
Phone: (02) 4929 0004 | Easynet: 70004  
Fax: (02) 4929 0634 | Eaglefax: 70634  
Email: litt1jef@police.nsw.gov.au

-----Forwarded by Jeffrey Little/27476/Staff/NSWPolice on 09/18/2012 11:05-----

To: John Gralton/25360/Staff/NSWPolice@NSWPolice  
From: Jeffrey Little/27476/Staff/NSWPolice  
Date: 09/17/2012 06:27  
Subject: Fw: Re: Fw: Fw: peter fox

Jaco,

FYI.

Kindest regards,

Jeff LITTLE  
Detective a/Inspector  
Crime Manager  
Newcastle City Local Area Command



"CC"

THIS IS THE ANNEXURE MARKED - CC -  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED THIS 9 DAY after of 7 April 2013

Signed

**From:** Paul Jacob/18752/Staff/NSWPolice  
**To:** Vivienne Pastor/9610566/Staff/NSWPolice@NSWPolice  
**cc:** Jeffrey Little/27476/Staff/NSWPolice@NSWPolice

**Date:** Thursday, February 24, 2011 06:46AM  
**Subject:** Query per S/F LANTLE Legal advice In Confidence

Dear Vivienne

Good to see you back champion. Love your work BIG fan!!!

Thank you for that, I'm in a trial at Newcastle at the moment. I'll print this up and digest it later.

Det Sgt Jeff Little, Newcastle is the OIC of this matter and I'll forward it to him. I hope to catch up with him whilst I'm at the trial and discuss his work on this one. He's trying to resolve what is more like a media driven issue that will be impossible to advance criminally.

Be in touch, again great you're back on deck.

Jaco

cc Jeff Little

Detective Inspector Paul Jacob  
Manager Sex Crimes Teams  
Sex Crimes Squad  
State Crime Command  
Level 8A NSW Police Headquarters  
1 Charles Street Parramatta 2150  
Telephone 02 8835 8700 Facsimile 02 8835 8888  
ENet 28700 EFax 28688 Email jacob.pau@police.nsw.gov.au  
TTY 9211 3776 (Hearing/Speech Impaired)



Vivienne Pastor/9610566/Staff/NSWPolice

Vivienne  
Pastor/9610566/Staff/NSWPolice

To  
Pa  
Ja

<https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/0/4553AA9773F53730CA257...> 24/02/2011

22/02/2011 15:55

cc  
Subject

Re  
ac

Hello Sir,

Just got back yesterday from leave yesterday. Thank you for your ki you never bother me. I love doing my job.

**Firstly**, looking at the offence of "conceal serious offence". The offer Crimes Act s316(1) was valid from 25/11/1990. Subsection (4) which commencement of proceedings where the suspect is a person "in the profession or calling" did not commence until 30/03/1998. **However proceedings to day I would firstly seek the approval of the AG**

Before the creation of s316 the offence was misprison of felony which That common law offence of misprison of felony has now been abolis

Redacted at Commissioner's direction

**Secondly**, the issue of mandatory reporters. Under s27 of the Child Protection Act today a 'mandatory reporter' is any person who delive children's services, residential services or law enforcement wholly or part of their paid work and includes any person who directly manage mandatory reporter with current concerns that a child aged under 16 required to make a report to the Department of Community Services carries a penalty if you fail to comply. Redacted

At any rate the offences occurred before the creation of the mandat around 2001.

Please have Detective Sgt Little call me any time about this matter.

Regards Vivienne

<https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/0/4553AA9773F53730CA257...> 24/02/2011

Paul Jacob/18752/Staff/NSWPolice

**Paul  
Jacob/18752/Staff/NSWPolice**

To

Vivie  
Pastc

02/02/2011 10:07

cc

Wayr  
Arms  
John  
Kerla

Subject

Fw: (

Dear Vivienne (cc Insp Wayne Armstrong)

Hope you're well mate. Sorry to bother you.

I'm consulting on an investigation being run out of Newcastle Detecti certain key personnel within the Catholic Church concealed serious : 1985 and 1995. There has been a change over of OIC's and the inve Little who is attacking it and trying to resolve the investigation which adverse media attention though the Newcatle Herald.

**Brief background**

The Strike Force mission is to *"Investigate the circumstances surrou concealment of serious offences, by Roman Catholic Church clergy, NSW during the period of 1985-1999."*

S/F LANTLE principally pertains to allegations of cover ups in the co and current serving senior RCC Clergy who became aware of such c child sexual offences proven to have been committed by RCC Clergy being priest Father Dennis McALINDEN (deceased in Perth 2005).

It is alleged that, rather than report the serious allegations of child se RCC POI's CLARKE (deceased) Redacted at Commissioner's directi on

<https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/0/4553AA9773F53730CA257...> 24/02/2011

REDACTED chose to displace those incidents by 're-locating' the offending priest. With little other option 'internally' they initiated proceedings to have McALINDEN (deceased) removed as a priest; a complex procedure of 'laicization' / 'defrocking' pursuant to Canon Law 1044.2.2) and ultimately provided a one-way air ticket to England. Ostensibly, it is alleged through allusion that these actions were orchestrated to affectively secrete the subject matters and act as a panacea of protection for the church itself.

Documents which became subject of this investigation had been forwarded to Lake Macquarie LAC by media source (McCARTHY), apparently on behalf of three alleged victims calling for a full investigation; however, the 'letters' by the alleged victims were unsigned. *(I believe that none of the victims reported the alleged crimes to police)*

During a recent conversation with Jeff and as part of his ongoing assessment of this matter, he asked could I clarify two legal issues (see below) regarding obligations upon the Catholic Church as 'Mandatory Reporters' and 'Conceal Serious Offence' *(where Clergy have had matters reported to them, advised a report to police and chosen not to)*

Although I haven't yet, I could get Jeff to give you access to e@gle.i. Strike Force Lantle. But that may not be necessary at this stage. I've attached Jeff's S/F Lantle Investigation Plan which provides an overview and salient issues relating to this investigation.

Thanks in advance Vivienne, I've also cc'd this to Wayne Armstrong who has a great deal of knowledge and experience in this area.

*(See attached file: S F Lantle Investigation Plan.doc)*

Jaco

**Detective Inspector Paul Jacob**  
**Manager Sex Crimes Teams**  
**Sex Crimes Squad**  
**State Crime Command**  
Level 8A NSW Police Headquarters  
1 Charles Street Parramatta 2150  
Telephone 02 9835 9700 Facsimile 02 98358688  
ENet 28700 EFax 28688 Email [ljacob@police.nsw.gov.au](mailto:ljacob@police.nsw.gov.au)  
TTY 9211 3776 (Hearing/Speech Impaired)



----- Forwarded by Paul Jacob/18752/Staff/NSWPolice on 02/02/2011

**Jeffrey**  
**Little/27476/Staff/NSWPolice**

To

**Paul**  
**Jacob**

28/01/2011 13:54

cc

Subject

**Query**

Inspector JACOB,

In furtherance to our discussion yesterday (regarding obligations by sexual assault as they relate to S/F LANTLE), is it possible to get a following queries please.

**1. Mandatory reporting**

a. Whilst not entirely relevant to this case, section Young Persons (Care and Protection) Act 1998 No. 1 LANTLE investigation would not be considered 'man cannot locate any such legislation which may have e-implementation of that Act. Guidance toward any obl period 1980-1998 would be gratefully received.

**2. Conceal Serious Offence**

a. Notwithstanding protections afforded clergy by the 'reasonable' belief that such an offence could not reported to the clergy member when the victim was  
b. Further, if a clergy member was informed of sus

<https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/0/4553AA9773F53730CA257...> 24/02/2011

another member of the clergy, and after having consulted with the parents who, despite being advised to inform Police, expressed their wishes no to, the clergy could not reasonably be held accountable (albeit Misprison of Felony)

Whilst I am of the belief the above matters are fairly straight forward, I would be most grateful for any clarification – if warranted.

Kindest regards,

Jeff LITTLE (no relation...)  
Detective Sergeant  
NEWCASTLE Detectives  
Eagle: 70004

Kindest regards,

Jeff LITTLE  
Detective Sergeant  
Newcastle Detectives  
4929 0999

<https://dommp06.glb.police.nsw.gov.au/mail/27476.nsf/0/4553AA9773F53730CA257...> 24/02/2011

**Attachments:**

**S F Lantle Investigation Plan.doc**

"DD"

THIS IS THE ANNEXURE MARKED "DD"  
ANNEXED TO STATEMENT OF Paul Jacob  
SIGNED/THIS 9 DAY OF April  
Signed  
2013



Some assistance on a Consultancy I'm Involved in from Jaco Sex  
Crimes  
Paul Jacob to: Sarma-lee Rumbachs  
Bcc: Jeffrey Little

24/05/2012 16:12

Dear Sam

I'm currently consulting with Newcastle LAC, Det Sgt Jeff Little on an investigation/review he is conducting into allegations that the Catholic Church, Newcastle Diocese was involved in covering up sexual assaults on children. He has been working on this for some time now and is finalising his work. He has asked me to confirm his position on the correct offences against the victims for the relevant period of time, Are you in a position to provide some advice for us on the issues below,

This inquiry is not urgent, but as indicated Jeff is finalising the peripheral aspects of his investigation.

I'm aware that some time ago Vivienne Pastor has previously provided assistance to Jeff and I on this issue, but that was some time ago.

I need to touch base with you on that other matter you assisted me with a couple of weeks ago, I have some further information. I might try and contact you in the morning Sam

Hope your well.

Jaco

Detective Inspector Paul Jacob  
Manager Sex Crimes Teams  
Sex Crimes Squad  
State Crime Command  
Level 6A NSW Police Headquarters  
1 Charles Street Parramatta 2150  
Telephone 02 8835 8700 Facsimile 02 8835 8888  
ENet 28700 EFax 28688 Email [jacobi.pau@police.nsw.gov.au](mailto:jacobi.pau@police.nsw.gov.au)  
TTY 9211 3776 (Hearing/Speech Impaired)



NSW Police Force  
[www.police.nsw.gov.au](http://www.police.nsw.gov.au)



----- Forwarded by Paul Jacob/18752/Staff/NSWPolice on 24/05/2012 15:59 -----

From: Jeffrey Little/27476/Staff/NSWPolice  
To: Paul Jacob/18752/Staff/NSWPolice@NSWPolice  
Date: 22/05/2012 13:18  
Subject:

Hi Paul,

Per our recent phone conversation about S/F LANTLE, I seek advice on the correct offences (primary) as they applied to the subject victims during the relevant years. Any assistance in clarifying correct 'primary' offences would be greatly appreciated.



Briefly,

What reported:

- Inappropriate touching by priest of male victim genitalia on the outside of his clothing.

○ During his electronically recorded statement to investigators on 14 June 2011, Mr GOGARTY confirmed Father FLETCHER actually masturbated him on numerous occasions without the victim wearing pants. This allegedly occurred during 1974-1976 when the victim was aged 14 years through to 16 years of age.

The only sections I can locate are as follows. I also need to know the penalties (per felony etc)

- **S.81** Indecent assault upon a male person
  - Criminal Offence created in 1900
  - Repealed 08/06/84
  - serious offence / felony / penalty????
- **S.81A** Act of Indecency by Male with Male
  - Criminal Offence created in 1955
  - Repealed 08/06/84
  - serious offence / felony / penalty????

Female Victims

AJ  
What reported:

- Digital penetration by priest of victim vagina
- Rubbing victim vagina over clothing
- Rubbing victim vagina under clothing

Female victim 1 ( AJ ) This allegedly occurred during 1961/2 when the victim was aged 11 years of age.

The section I believe is suitable is as follows. I also need to know the penalties (per felony etc)

'Indecent Assault' 61M (per offences committed in 1960's)

---

AK & AL

What reported:

- Rubbing breast area
- Digital penetration by priest of victim vagina
- Rubbing victim vagina over clothing
- Rubbing victim vagina under clothing
- Getting victims to masturbate his penis (hand on penis)
- Rubbed bare penis against groin of victim pyjamas

Female victim 2 ( AK ): This allegedly occurred during 1961 through to 1962 when the victim was aged 8-11 years of age.

Female victim 3 ( AL ): This allegedly occurred during 1962 when the victim was aged 8 years of age.

The section I believe is suitable is as follows. I also need to know the penalties (per felony etc)

'Indecent Assault' 61M (per offences committed in 1960's)

Kindest regards,

**Jeff LITTLE**  
Detective Sergeant  
Newcastle City Local Area Command  
Crn Church & Watt Street, Newcastle NSW 2300  
Phone: (02) 4929 0004 | EagleNet: 70004  
Fax: (02) 4929 0634 | Eaglefax: 70634  
Email: [litt1jef@police.nsw.gov.au](mailto:litt1jef@police.nsw.gov.au)



**RE: JEFF LITTLE MATTER**  
Sarna-lee Rumbachs to: Paul Jacob

25/05/2012 07:25

Sorry Paul,

I forgot to mention, I have sent Jeff an email directly to him (and will look at his offences and discuss them with him next week).

Regards  
Sam