



NSW POLICE SERVICE

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STATEMENT OF A POLICE/WITNESS

In the matter of:	AM allegation
Place:	Maitland Police Station
Date:	28 May, 2003

Name:	Peter Raymond FOX	Tel. No:	49 340200
Rank:	Detective Sergeant		
Station/Unit:	Maitland Police station		

STATES:

- This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false, or do not believe to be true.
- I am 44 years of age.
- At 11.30am on Thursday the 2<sup>nd</sup> of June 2002 Detective Senior Constable Ann JOY & I met with Bishop MALONE & Father James SAUNDERS in the Newcastle Office of the Maitland-Newcastle Catholic Diocese. The meeting had been arranged the previous week & after the meeting I made a record in my duty book No. 045024 page 20 & Cops Case No. 16128387. I recorded an electronic record of the conversation on either Friday the 3<sup>rd</sup> of June or Monday the 6<sup>th</sup> of June 2002.

I PRODUCE THE DISK ON WHICH THAT ELECTRONIC NOTE WAS STORED

The conversation after formalities was as follows:

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

He said, "Yes this is a very difficult situation. I have offered the church's support to both AN's parents. You know BI works for us here at the diocese office as the t"

I said, "Yes."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I said, "Yes."

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

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

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

He said, "I thank you for that."

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

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

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

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

I said, "In view of that would it not have been wiser to not mention the investigation to him?"

He said, "Sorry?"

I said, "If you had not told him there was a Police investigation he may not have been upset or distressed & therefore negate any need for concern over his welfare in the first place?"

He said, "I see what you mean. I did not mean for that to occur, our concern was for his welfare."

I said, "Yes but that also had the effect of telling Father FLETCHER that there was a police investigation. If someone like Richard CARLTON was to interview you I doubt that he would be as accepting of that explanation. It could be suggested that the purpose of your visit had the effect of warning Father FLETCHER. Having been forewarned, he then had the opportunity to get his story sorted out before the Police arrived to speak to him."

He said, "I hope no one would view it that way. That was not our intention."

I said, "I understand what you are saying but can you understand that this could be the perception?"

He said, "I am sorry if that is how it is viewed."

I said, "I will probably need to get a statement from you at some stage in relation to your conversation with Father FLETCHER. Whatever he told you is admissible at court & may have to be given in evidence."

He said, "I understand & am happy to do that. Just contact me when you need that to happen."

I said, "Thank you. Just before we finish I would like to discuss with you what is to occur with Father FLETCHER whilst this investigation continues."

He said, "I was going to ask him to take a period of leave."

I said, "I would ask that the church give consideration to removing Father FLETCHER from his position until we resolve what is to occur."

He said, "How long would you expect that to take?"

I said, "As I said earlier this could be a matter of months. I cannot put a time on it at this stage."

He said, "Do you have concerns for other persons?"

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Peter Raymond FOX

I said, "I don't have any information that he is committing any offences at the present time. The allegations I am investigating are very serious & relate to when this complainant was a child. There may not be any further complaints now but how would you feel if another incident arises during our investigation? Sometimes there is just the one victim but we know from incidents like Vince RYAN that there are often many victims. I am concerned in that respect. I know Father FLETCHER is still in the Branxton Parish & as such has contact with the Catholic School there & probably other children's groups. I would feel better if he was removed from the Parish & placed into an office role here at the diocese or somewhere else where he would have a minimum of contact with children."

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

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

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

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

He said, "Very well."

4. The meeting was then concluded & Detective JOY & I left.

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