

Mr. Paul Murnane APM



28th February 2013,

The Hon Georgie Crozier, MP
Chair
Family and Community Development Committee,
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Ms. G. Crozier

I refer to the current Parliamentary Inquiry into the handling of child abuse by religious and other organisations. I am aware that submissions to the Inquiry are closed however I feel compelled to write as a consequence of some of the material being placed before you. I am particularly concerned with some of the material provided by Victoria Police in their submission and with some of the evidence provided by Deputy Commissioner Ashton and Mr. Patrick Tidmarsh, adviser to Victoria Police. I trust that although my letter is subsequent to the closure of submissions you will give it some consideration.

Firstly to introduce myself, I am a retired Superintendent of Police after being a member of Victoria Police for almost thirty eight years. Throughout my career in policing I was deployed to uniform policing and detective work both in metropolitan and rural Victoria.

As a detective, my work was conducted at the ranks of Detective Senior Constable, Detective Sergeant and Detective Inspector, again both in the metropolitan area and rural Victoria. In the metropolitan area I worked both in the Crime Department and as a divisional detective in the western suburbs of Melbourne.

Prior to my retirement in 2007 and since, I have also been involved with the Professional Standards Resource Group PSRG,V (Towards Healing) in Victoria. That work commenced in approximately 1993 at Ballarat with the Special Issues Committee established by the Diocese of Ballarat. Since 1996 I have been both a member of the PSRG,V board and in latter years until the current as an observer.

For some years prior to my retirement from Victoria Police I was given the role of Victoria Police Liaison Officer between Victoria Police and the Catholic Church both the Melbourne Response and the PSRG,V. I was appointed by then Chief Commissioner Neil Comrie.

Additionally, particularly since my retirement I have also worked as an assessor with the PSRG,V and it is in that area where I have concerns with some of the material being presented to you by Victoria Police.

I am both disappointed and quite surprised by some statements made. I believe it is important that the Inquiry receive accurate information in regard to the conduct of assessments that pertain to the Towards Healing program. It is my intention to provide balance to some of the material that has been presented to you.

I will deal with each submission separately.

Victoria Police Submission

Paragraph 3.2 Flaws in the inquiry process – interviews (Page 4 of the submission)

Quote: *Neither the Independent Commissioner, nor Towards Healing assessors are trained or resourced to conduct criminal investigations regarding allegations put to them.*

Comment: Firstly, in regard to Towards Healing assessors of which I am one, we are not conducting criminal investigations. The work undertaken by assessors is to conduct an assessment of the allegation. The standard of proof that applies to the work of an assessor, *on the balance of probabilities*, is different to the standard of proof required of a detective when conducting a criminal investigation which is *beyond reasonable doubt*.

Secondly, in regard to not being trained. As mentioned above, a large proportion of my near 38 years with Victoria Police was as a detective, approximately 17 years. During that time I qualified at both Detective Training School and Advanced Detective Training School. During my years of service as a detective, particularly as a divisional detective, in addition all types of crimes, I also successfully investigated and prosecuted allegations of rape, incest and other offences of a sexual nature.

Thirdly, although not as resourced as members of Victoria Police, as a trained detective conducting an assessment, one is challenged to locate the required supporting evidence, however in the vast majority of complaints dealt with as an assessor in Towards Healing matters, that

necessary evidence has been located to meet the standard of proof required.

Quote: *Victoria Police is concerned that church employees that attempt to deal with victims of sexual assault do not have contemporaneous skills in this now highly technical area. Over recent years numerous reforms have taken place in the field of interviewing sexual assault victims.*

Comment: No doubt the development of contemporaneous skills as outlined more fully by Mr. Tidmarsh in his evidence would enhance the skills of a detective when dealing with victims of sexual abuse. I submit however that in all cases undertaken by me as an assessor, by being very considerate, accepting and by showing a high degree of empathy towards the now adult victims, I have not experienced any difficulty in extracting the “whole of story” version of their experiences. Further, each of the adult victims with whom I speak, will have previously been encouraged by Towards Healing to go to the police but have declined to do so. Finally, it is wrong to speak of assessors as being “church employees” as we are not. It incorrectly implies that we owe an allegiance to the church as our supposed employer.

Evidence by Deputy Commissioner Ashton.

Quotes: *To date, Victoria Police has not had a single referral of a child sexual abuse allegation by the Catholic Church, and whilst a number of victims who have spoken to Victoria Police have indicated that they spoke to the church previously, there have been no referrals by the Catholic Church or its representatives. (Page 2 of the transcript)*

Since 1996 the Catholic Church of Victoria has upheld approximately 620 cases of criminal child abuse, none of which they have reported to police. (Page 4 of the transcript)

Comment: I do not wish to speak on behalf of the Catholic Church, however I feel it is important that the Committee should be made aware that in my role as Police Liaison Officer I facilitated a number of victims of child abuse to report their cases to members of Victoria Police. On the other hand I can understand from my knowledge of the procedure adopted by Victoria Police in the way that organisation records these matters in their narratives, those referrals may not be recorded.

Quotes: In response to a question from Mr. McGuire (page 7), Deputy Commissioner Ashton stated:

...The compensation becomes part of a broader interview about the offending and a criminal investigation that is then conducted by people who are not authorized to conduct a "criminal investigation"...

In response to a question from Mr. O'Brien (page 11), Deputy Commissioner Ashton stated:

...sure, we understand that there will be occasions when victims do not want to report crimes to police, and sexual crime is a particular example where people, for a range of reasons feel they do not want to be put through the trauma of a criminal prosecution of an offender where they will be giving evidence. We understand that and we respect that. But the mere fact that there is a criminal investigation conducted by the church into that victim in our view does not give us reliable facts or allow that person to say, "The person doesn't consent".

Comment: Unfortunately Deputy Commissioner Ashton seems to have this notion that assessors are conducting criminal investigations. As previously mentioned, that is not the case. Were it not for the Towards Healing Program and the assessments being conducted in a professional manner by the assessors, where do these victims go for assistance? Towards Healing only deals with victims who do not wish to go to the police and eventually through the justice system.

Evidence by Mr. Patrick Tidmarsh.

Quote: *One of the things detectives were taught in Victoria Police not that long ago in detective training school is that rule no. 1., is that you have to look at the story and try to find out whether a crime has been committed. So it was a disincentive immediately for anyone telling their story as if they were somehow suspicious in the way they were being heard. Obviously in this particular specialism of sexual crime we have moved to the teaching of an open mind - that the first job of an investigator is to listen and ask questions until they have the comprehensive narrative. So we find it hard to believe that any other organization investigating themselves, possibly without knowledge, certainly with consequences for the organisation and the individuals, could genuinely listen with an open mind to these kinds of narratives. I find that extraordinarily hard to believe. (pages 5 and 6 of the transcript)*

Comment: The issues raised by Mr. Tidmarsh in this part of his evidence is bread and butter for any detective. It would seem obvious that Mr. Tidmarsh does not realise that the vast majority of assessments undertaken for Towards Healing are conducted by now retired members of Victoria

Police who are ex detectives with the required skills and many years of experience and who have qualified at the same courses throughout their career as myself. Further, the description of an assessment as “the church investigating itself” is wrong.

Quote: *I want to talk briefly about risk in other organisations , particularly in church organizations and particularly in the Catholic Church. The significant risks within that organisation are the lack of knowledge, the lack of ability perhaps to genuinely inquire and the lack of ability to hold an open mind, but even more importantly in the context of someone reporting to an organization that is there for their pastoral care, their spiritual needs , the power differential between the person reporting to that organisation and the person in that organisation listening is so dramatic I find it extremely difficult to believe that there must not be some coercive element in the nature of that relationship. (page 6 of the transcript)*

Comment: My understanding is that it is for that very reason why the Bishops of Australia established the Towards Healing Program and why the Towards Healing Program engage assessors to carry out the work they do. The very strong inference in this statement by Mr. Tidmarsh is that the assessors are not considered independent which could not be further from the truth.

Quote: In response to a question from Mr. McGuire (page 7), Mr. Tidmarsh stated:

I do not think they (Catholic Church) should be investigating themselves. I think it is absolutely the no. 1 issue. Personally I find it extraordinary than an organization has set up a separate system, particularly one where, if you volunteer for that system, you give up your rights to any other system.

Comment: Mr. Tidmarsh is wrongly suggesting there is a lack of independence when it comes to the conduct of assessments. In any event, there are quite a number of organisations who investigate themselves including Victoria Police. In my own experience whilst a member of Victoria Police as an Officer at the rank of Inspector, I was deployed to the Internal Investigations Department where I successfully investigated and prosecuted members of Victoria Police. So for Mr. Tidmarsh to infer there is a lack of independence to the extent that there may even be some coercive element is an insult and offensive.

In conclusion I can only stress to you that contrary to what some may think, when one retires from an organization does not mean that on the same day that person loses their skills, knowledge and experience.

Thank you for taking the time to read this letter. I request the opportunity to appear before the Inquiry.

Yours sincerely,



Paul Murnane APM
Towards Healing Assessor