

Statement of David Michael Matthews

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 day of May 2013, I say:

Preliminary matters

1. My full name is David Michael Matthews and I currently hold the rank of Inspector in the New South Wales Police Force (NSWPF). I am presently attached to the Port Stephens Local Area Command.
2. This statement is prepared by me for the sole purpose of responding to a summons issued on 30 April 2013 by the Special Commission of Inquiry (established by way of letters patent dated 21 November 2012 and varied by letters patent dated 25 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 to within it, and attached to it.
3. 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 was attested as a police officer on 6 May 1988. Since my date of attestation I have performed general duties within the NSW Police Force, apart from a short period of time when I performed plain clothes duties in my early years as a police officer.
5. I was promoted to the rank of Sergeant on 8 May 2001. Thereafter, I was promoted to the rank of Inspector on 6 December 2003.
6. As and from July 2008 when the Local Area Command was formed at Port Stephens, I have carried out duties as an Inspector within that Command. In 2010 and specifically from the period of 5 November 2010 to 26 November 2010 I performed duties as the relieving Commander within the Port Stephens Local Area Command.
7. Annexed hereto and marked with the letter "A" is a document dated 25 November 2010 (the Report). This is a document prepared by Detective Chief Inspector Peter Fox. I refer to page 6 of the document where handwriting is contained next to the title referred to as Port Stephens Commander. That handwriting is in the following terms:

"The recommendations of Det Chief Inspector FOX are supported. Given the nature of these allegations, these matters appear beyond the scope of an LAC investigation and could be more appropriately dealt with by a taskforce. Referred to region."

8. I handwrote the comment quoted above and I signed off on this document on 25 November 2010.
9. To the best of my recollection the circumstances in which the document came to my attention are as follows. I was approached whilst I was in my office by Detective Chief Inspector Fox who presented me with the Report. I read the contents of the Report, and after giving consideration to the contents, I then determined that the appropriate recommendation to be made was that as set out and as signed off by me at page 6 of the Report. After I had made my determination, I then spoke to Detective Chief Inspector Fox in relation to the recommendations that I made. At the time DCI Fox's office was next door to mine.
10. I advised DCI Fox of the fact that I had recommended that the matter be referred to Region, as it was my belief that that was the more appropriate course of action. I recall that there was a discussion in relation to the reason why, however at this point of time, I do not recall the full terms of that discussion.
11. I made the recommendation in the terms that I did, and more specifically that the matter should be referred to Region, because at the time the Port Stephens Local Area Command, to my mind at least, was severely stretched in terms of the resources available to it. For example, there were two separate strike forces which were running within the Local Area Command at the time, involving complex investigations and the need to have detectives from the office attached to those strike forces. In addition, it was my belief that given what the work requirements were in terms of the detective's office, there were an insufficient number of detectives that could be allocated to any investigation that may have been commenced in relation to the matter. My opinion at the time was, based on my knowledge of the resourcing issues that existed within the Port Stephens Local Area Command. It was my opinion that there was no capacity whatsoever for the Port Stephens Local Area Command to have taken on such an investigation.
12. After I signed off on the report on 25 November 2010, and after the substantive Commander at the Local Area Command came back for duty (Superintendent Charles Haggett) I recall discussing with him the fact that Detective Chief Inspector Fox had presented the Report to me, and the recommendation that had been made by myself. I can indicate that at this point of time that the recommendation made by myself was in fact made prior to any discussions having taken place about the matter with Superintendent Charles Haggett. From my discussions with Superintendent Haggett, and from what he indicated to me, it was my belief that he was of the same view that I had formed, that is that the matter could not be properly investigated by the Port Stephens Local Area Command and should be referred to Region for its consideration.
13. When Superintendent Haggett returned to duty, and during the course of my discussions with him, he advised me that he had discussed the issues raised in Detective Chief Inspector Fox's report presented to me, prior to his having gone on leave. At the time I recall Superintendent Haggett referring to the fact that in his opinion the matter would be best investigated elsewhere due to the resourcing issues, and also the fact that in his view Detective Chief Inspector Fox appeared to be passionate in terms of ensuring that the matters were investigated, and having regard to Detective Chief Inspector Fox's involvement in prior investigations, he appeared to be having trouble "letting go" with respect to these types of investigations.

Signed

14. In addition to the fact that in my view the taking on of such an investigation by the Port Stephens Local Area Command was inappropriate because of resourcing issues, it was also the case that the matter would be best left to be investigated by another Local Area Command where the offences themselves had allegedly been committed. The link between Port Stephens Local Area Command and the subject matter of the investigation were to my mind not sufficiently connected so as to require the Port Stephens Local Area Command to take on the investigation.
15. Whilst I was the acting Commander of the Port Stephens Local Area Command, and thereafter in my usual capacity and duties within the Port Stephens Local Area Command, I received no information and had no knowledge to suggest that Detective Chief Inspector Fox was conducting any investigation on his own with respect to child abuse matters involving members of the Catholic clergy.

Signed

Inspector David Michael Matthews

1/5/2013

NSW POLICE SERVICE

Local Area Command, Port Stephens.



THIS IS THE ANNEXURE MARKED "A"
ANNEXED TO STATEMENT OF
DAVID MICHAEL MATTHEWS

Signed

SIGNED THIS 1st DAY OF May 2013.

0/2/10/197839

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

Raymond Terrace Sta
Ph: 0418 201581
25 November 2010.

D120 10 197839
F20 10 1

Newcastle City LAC

ISSUE:

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

BACKGROUND:

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

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

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

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

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

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

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

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

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

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

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

Redacted at Commissioner's direction

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

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

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

Exec No 2

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

COMMENT:

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

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

[Redacted at Commissioner's direction]

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

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Redacted at Commissioner's direction

Redacted at Commissioner's direction

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

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

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

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

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

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

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

RECOMMENDATION:

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

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

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

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

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

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

Signed

Peter R FOX
Detective Chief Inspector
Crime Manager
Port Stephens Command

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

Signed

27/11/10
28/11/10

2. Operations Manager Northern Region

Newcastle LAC have been allocated to investigate allegations that Malone, Redacted and others failed to disclose information relating to sexual abuse of AL and AK. All material held by DCI Fox should be forwarded to Newcastle City LAC Crime Manager for their information. Assessment as to appropriate resources for the investigation is to be made by Newcastle City

3. Commander Northern Region

Investigation should continue by Newcastle City to determine the extent of the allegations. Consideration will be given to additional resources at the appropriate time. To ensure all matters are considered it should be noted that Newcastle is the lead role & are to continue

Signed

27/12/10

4. Commander Port Stephens LAC

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

Signed

27/11/10

5. Commander Newcastle City LAC

FOR FILING & INTO EARLY 1 WITH ALL INFORMATION

Date Recd

Signed

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

Signed

DAVID MICHAEL MATTHEWS
PORT STEPHENS LAC

1.5.2013.