NSW POLICE SERVICE

Local Area Command, Lower Hunter.

Investigations Unit
Maitland Police Stn
Ph: 4934 0310
29 May 2003.

ISSUE.
Ombudsman notification involving Father James Patrick FLETCHER & AH

BACKGROUND.
It is alleged by AH that over a 6 years period from 1989 to 1995 Catholic Priest Father James Patrick FLETCHER sexually abused him. These assaults were alleged to have occurred in & about the Maitland Diocese when the victim was aged 12 to 18 years. Following the offences the victim led a very turbulent & volatile life marked by excessive drinking of alcohol, failed relationships & suicide attempts. In 2000 he first began to disclose aspects of his abuse to members of his family, which culminated in his reporting the matter to Police in mid 2002.

COMMENT.
On Sunday the 2nd of June 2002 AH spoke to a family friend (Crown Barrister with the Newcastle DPP Wayne CREASY) to commence action regarding this abuse. That night he watched a '60 Minutes' programme on Archbishop George PELL & child abuse within the Catholic Church in Australia. He became distraught & telephoned his father, BI & mother BJ (Who were separated) disclosing to them that he had endured similar abuse to that depicted on the programme. He then made an abusive telephone call to Father FLETCHER at the Branxton Presbytery.

The following day (3rd June 2002) I was contacted by Wayne CREASY who requested I investigate AH 's matter. AH attended my office on Tuesday the 4th of June 2002 to officially commence the police investigation. At the time. AH briefly outlined his allegation to myself & it was recorded on COPS entry No. E 14348559 & a Case created being C 16128387.

BJ advised me the following week that she had been contacted by Bishop MALONE on the evening of Wednesday the 5th of June 2002. In that call he advised her that he had spoken to BI & as a result approached Father FLETCHER. In his conversation with Father FLETCHER he disclosed the police investigation & the name of the complainant. BJ then goes on to say in her statement,

"The call ended & I was still stunned. I was very angry with BI for having told the Bishop what was happening. I don't know his reasons for doing this but I don't believe it was malicious. I was angrier with Bishop MALONE for having gone near Father FLETCHER & alerting him to what was going on. He had no legitimate reason to tell Father FLETCHER. I didn't accept he just approached Father Jim as pastoral support, Father Jim didn't know about the allegations at that time so I didn't believe he needed any support. I feel that this was the guise to tell Father FLETCHER & the three other priests what was going on."

I spoke to members of AH 's family the following week & learned of the Bishop's contact with Father FLETCHER. As a consequence I contacted the Bishop by phone & a meeting was organized in the Maitland-Newcastle Diocese Office at 11.30am on Thursday the 20th of June 2002. I attended that meeting with Detective Senior Constable Ann JOY & met with Bishop MALONE & the Vicar General, James SUANDERS. (A statement of my conversations is attached hereto.)

In summary I expressed my disappointment in having not been contacted by the church prior to Father FLETCHER being approached. This action seriously impacted on the police investigation & denied investigators a number of options in relation to Father FLETCHER. I also strongly requested that Father FLETCHER be removed from his parish duties & contact with children until investigations were concluded. Despite this request I learned that Father FLETCHER remained in his position until just prior to his arrest this year.

Mr John DAVERON of the Catholic Church Abuse Unit contacted myself in Early September 2002. (I later discovered this call was probably in response to him having been contacted by BJ days earlier.) He inquired as to the progress of the investigation & we briefly discussed Father FLETCHER remaining in his pastoral position & his continued contact with catholic schools & children. I relayed my discussion on this subject with Bishop MALONE & again conveyed my professional opinion that he should be removed until the investigation was complete. Mr DAVERON appeared to be sympathetic to this proposal & told me he would discuss the matter with Bishop MALONE. I did not make any direct record of that conversation.

AH undertook extensive counseling prior to commencing his statement in November 2002. About the 26th of February 2003, just prior to the completion of AH's statement John DAVERON again contacted me to inquire as to the progress of the investigation. I advised him that I expected the matter to be concluded within two to three months & that charges would probably be preferred against Father FLETCHER. Little more was discussed at that time.

A further similar call took place between Mr DAVERON & myself on the 17th of March 2003. I indicated that the case could be completed within six weeks. On this date I also contacted the Ombudsman's Office after being advised by BJ that he believed there was an obligation by the church to report the matter to that office & he believed they had failed to do so. I understand that Mr DAVERON has since retired from his employment with the church.

I was advised the following week by both the Ombudsman's Office & Mr Michael McDONALD of the Catholic Church Employment Relations Unit that Father FLETCHER had been 'stood down' from his position in the parish until the investigation was resolved. I remained in contact with Mr McDONALD over following weeks. On the 30th of April I told Mr McDONALD that the interview of Father FLETCHER would probably occur within the next two weeks. On the 7th of May I again spoke to Mr McDONALD & requested he personally approach Father FLETCHER to organise for his attendance at the Maitland Police Station on the 14th of May 2003. He later confirmed to myself that this had been done & Father FLETCHER would be attending at 9.00am with a solicitor Eric CRANEY. On the 13th of May 2003 Mr McDONALD again contacted myself & inquired if Father Jim SAUNDER's would be permitted to attend as a support person for Father FLETCHER. This was agreed to & those persons all attended at the arranged time & place.

On the 14th of May 2003 Father James FLETCHER was charged with a total of 8 offences of sexual assault following a 2hr 45minute ERISP interview. A transcript of this interview has not been received but will be forwarded in due course. Father FLETCHER denied all allegations. He further stated that he first became aware of a Police Investigation in June after being told of this by Bishop MALONE. He also indicated that Bishop MALONE had also been the person to inform him of the identity of the person making the allegation.

In the week following the charging of Father FLETCHER statements were taken from five members of the Catholic Church. Both Detective BROWN & myself were left with a very strong impression that there had been collusion between these persons & although each could assert they 'cooperated with police' little beyond this was volunteered.

I spoke to Father Robert SEARLE by phone on the 16th of May 2003. I discussed briefly with him an incident some years ago when AH had yelled abuse at him outside the Nelson Bay presbytery. He commented to me, "He seemed to be angry with the world that night & in light of what has now come out that may be understandable." At the time he was sympathetic & seemed more than happy to speak to investigators & assist. When interviewed by Detective BROWN on Monday the 19th of May 2003 he backed away from his former statements recalling only that AH had made comments of, "Nobody loves me." This resulted in him threatening to call the police & telephoning AH's father BI . This might be considered extreme for a drunken young man yelling that he was unloved.

On Tuesday the 17th of May 2003 I obtained statements from Fathers HARRIGAN & BURSTON. Both statements were remarkable for their poor recollection of important conversations & events surrounding Father FLETCHER in the weeks following the 2nd of June 2002. The little conversation that was eventually recorded was anything but free flowing. Father HARRIGAN recalled telephoning the Vicar General (Father SANDERS) soon after AH 's abusive call. (Stated but declined to place in statement 'possibly the Monday afternoon or Tuesday morning').

Father SAUNDERS in his statement remembers the phone call from Father HARRIGAN but was again unable to recall the exact conversation other than being told the original call was abusive & alleged Father FLETCHER was a child molester. Despite being the second highest-ranking official in the diocese & working closely with the Bishop he was unsure if he conveyed this important information about Father FLETCHER's call to Bishop MALONE. This did not alter even after Bishop MALONE informed him of BI 's conversation concerning FLETCHER.

Bishop MALONE stated that at no time does he recall Father SAUNDERS or any other person telling him of Father HARRIGAN's phone call (regarding FLETCHER's abusive call). In view of BI 's conversation with the Bishop on the 3rd of June 2002 this seems incredible to say the least.

Since that time I have been advised from two sources that the victim's name has become public knowledge in the regional catholic community. These persons have expressed concern for the victim as they feel that factions loyal to Father FLETCHER will attempt to slur the name of the victim & his family. It has not been suggested that the church is perpetuating this but nevertheless it may have long-term consequences.

BI has contacted myself & asked if Father BURSTON had mentioned to myself a conversation had between them shortly after the 5th of June 2002 in which BURSTON told him that Father FLETCHER had denied the allegation of abusing AH More importantly Father BURSTON told him that Father FLETCHER had denied that AH had ever stayed at the Branxton Presbytery (Allegation of the last assault). BI told him that was a lie as he had personally driven AH to the Presbytery that night & spoke to Father FLETCHER himself. He had returned the following morning & took AH home. Father BURTON allegedly recalled Father FLETCHER having mentioned something about this some time ago & agreed with BI

Father BURSTON made no mention of this to myself in his statement, however Father FLETCHER readily recalled in his interview with myself that AH did stay at the Presbytery. In view of this it would appear that Father FLETCHER thought about the matter & changed his mind or was possibly told by BURSTON that BI could substantiate his son's assertion. I am to obtain a further statement from BI next week & will again speak to Father BURSTON regarding this issue.

In a recent discussion with Bishop MALONE, BI was told, "the matter has to go to the DPP yet & they may decide not to proceed with this case." This may have just been an understanding of processes but BI was concerned that there may have been a hidden suggestion in this comment. I have since spoken to Jillian KELTON of the Newcastle DPP & she has been made aware of the Ombudsman's interest in this matter.

Investigators were also concerned regarding the comments & actions of a police prosecutor Daniel MAHER when Father FLETCHER appeared at the Maitland Court on the 14th of May 2003. These issues were relayed to the Lower Hunter Crime Manager who has indicated he will be taking managerial action.

Many of the issues raised may not be within the investigation ambit of the Ombudsman's Office but have been included for reasons of completeness.

Signed

Peter R Fox
Detective Sergeant
Lower Hunter