



DUFFY ROBILLIARD

PSYCHOLOGISTS

AD 08120

28 April 2008

Greg Walsh & Co
Solicitors
PO Box 185
Oatley NSW 2223

Fax: (02) 9570 6599

Pho: (02) 9570 6511

Attention: Mr G A Walsh

RE: Brother John Kostka CHUTE – D.O.B. 13/6/1932

Your Ref: GW:ja:201118

Dear Mr Walsh,

Thank you for referring Brother John Chute whom I interviewed and assessed in our office on 21st April 2008. I understand that your client has been charged and pleaded guilty to eleven counts of an act of indecency upon three victims in the ACT in 1986/87 and is to be sentenced in the ACT Supreme Court on 6th May 2008. I had to hand reports of Dr John Roberts Consultant Psychiatrist, dated 15 January 2008 and 25 January 2008 as well as report of Dr Aggarwala dated 30 January 2008.

Brother Chute understood I was interviewing him at your request and a report would be prepared with information gathered at our meeting and returned to you. He therefore understood there were limits to the confidentiality of information he disclosed. I accept the Expert Witness Code of Conduct and attach a brief resume.

Brother Chute was an elderly man of good appearance. He was cooperative and friendly in manner and quite articulate. He could give a reasonable account of his background, although a little vague on dates. He revealed considerable remorse over his involvement in the offences and told me that he has sought and received counselling of a relatively intensive nature over the past five to six years. He would be a good candidate for further community based sex offender counselling.

Suite 38, 47 Neridah Street
Chatswood Village
Chatswood NSW 2067
(entrance in Albert Ave
opposite Anthony St)
Tel: 02 9415 3116
Fax: 02 9415 3106
Email: info@dbr.net.au
Web: www.dbr.net.au
ABN 54 992 331 446

BACKGROUND

Brother Chute was born in Coraki New South Wales on 13th June 1932 and is now aged 75. He grew up in this relatively small Northern New South Wales country town until 1940 when the family moved to Lismore. Brother Chute's father was a saddler who died when your client was 9 years of age, leaving his mother to care for him and his nine siblings. Brother Chute has four remaining siblings; an older sister aged 88 who lives at Alstonville, a brother aged 82 at Lennox Head a sister at Camden and a twin sister at Kingscliff in Northern New South Wales. He states he gets on particularly well with his twin sister whom he has apprised of his charges.

EDUCATION AND EMPLOYMENT

Brother Chute first went to Primary School at Coraki and then Marist Brothers at Lismore. He told me he was influenced by one of the teaching brothers of his school and entered the Juniorate at Mittagong at the commencement of his High School. There he completed his leaving certificate examinations and spent eighteen months at the Novitiate at Mittagong completing his final vows before entering the Marist Brothers.

Thereafter, Brother Chute was a teacher. He was posted to Maitland for a brief few months and then taught secondary education in the Kogarah Marist Brothers mainly in the subjects of English and Maths. He was then transferred to Brisbane where he remained at the Roselea School for five years. He taught Grade 6 and was also the sports master during this period. He told me he had various sizes of classes ranging from 70 to 107 pupils.

He returned to New South Wales where he worked at the Maitland Marist primary school for a year and then transferred to Marcellin College teaching in the lower secondary school for three or four years. He was then sent to the Bondi Beach Marist School until it closed down in the early to mid sixties.

Brother Chute was transferred to a newly opened Marist School at Queanbeyan where he taught both primary and secondary education. He remained there until the mid sixties and then returned to Sydney where he taught at the Villa Maria High School at Hunters Hill for three or four years until it closed down. He was then sent to the school at Lismore and was in charge of the primary school there for four or five years and then was transferred to Peshurst where he remained for four years until he moved to Coogee.

Around 1975 he was asked to teach at the newly established school in Parramatta and six months later was sent overseas to undertake further studies in Switzerland. He spent eight months in Freiburg and on his return to Australia was sent to Canberra where he remained until 1992.

He taught at the Marist College at Pearce and was put in charge of the Junior School Years 7 to 10 where he taught English, Maths and Religion. Around 1986 he went overseas to the USA and studied further at a Monastery in Washington State. On his return to the College in Canberra he taught religious education on a full time basis. Brother Chute was also involved with coaching rugby and cricket and was a selector for the ACT sporting teams. He continued teaching religious education up to Year 12 until his retirement from teaching in 1992.

He told me at this stage allegations had been made about his sexual offending behaviour and his superiors took him away from the school environment and transferred him to the conference centre at Dundas, where he cooked for the religious community there until it closed about three and a half years later. He then went to reside at Mittagong at a Conference and Retreat Centre and again did the cooking and catering there for the next six years until about 2004 when he retired. He resided in the Monastery at Mittagong until he was moved to Blacktown in 2008 following his arrest and charges. He lives with three other retired Brothers in the residence and finds it quite comfortable there.

HEALTH AND HABITS

Brother Chute always played a lot of sport from his Juniorate days and excelled in cricket and football. He told me his teaching had always been accompanied by coaching various school teams over the years and even after he retired from teaching and coaching he kept fit, mowing the lawns at Mittagong and went to the gym three days per week. He states he still attends a gym where he does graded exercises according to his health.

Over the years Brother Chute has had a total knee replacement and states that he probably requires a hip replacement. He suffers from hypertension and takes three tablets including Coversyl Plus and Zanidip. He also takes Diaformin an oral hypoglycaemic twice daily, Mobic for arthritic pain and a low dose of aspirin. He told me he has been diagnosed as having restless leg syndrome for which he takes Temazapan.

Brother Chute told me he notices that his sense of direction is very poor and he had to be brought to our appointment in Chatswood by a Brother because he would never have been able to find his way here by himself. He says he cannot read road maps and his sense of direction is getting worse. He spoke about being forgetful and absent minded. I note that he had an MRI of the brain performed on 8th January 2008 which comments on enlargement in ventricular size, indicative of age changes within the brain and possible cognitive function impairment. During the course of our session together Brother Chute was administered both an intelligence test and a memory test to determine his current level of cognitive functioning.

Psychosexual History

Brother Chute told me he had been the victim of sexual abuse by a teaching Brother when he was at Lismore. He also told me he was subjected to sexual abuse when a pupil at the Juniorate by an older boy in his mid teens. He acknowledges he engaged in indecent assault behaviour with a number of pupils and that the authorities at the school were made aware of it by complaints from parents. Brother Chute believes his frequent moves from school to school arose partly from this behaviour. He was retired from teaching in 1992 due to complaints from pupils in the Marist College in Canberra.

Since then, Brother John Chute has been seeking counselling to address his impulses. He commenced an intensive eight month programme called Encompass, a live in programme consisting of individual sessions with psychologists three days per week; group sessions two days per week as well as art therapy, psychodrama and writing and presenting a history of his life. Following the completion of this intensive programme he continued a five year continuing care programme in which he saw a psychologist Rebecca Campbell weekly over five and a half years in Bowral, and participated in small group sessions on a monthly basis for five years until April this year. He said that the group members would always challenge him about his prior sexual behaviour. Furthermore he saw the Spiritual Director Sister Hilda Scott at Jamberoo when he lived at Mittagong.

Brother Chute informed me that he initiated the Encompass programme because he felt ashamed of and remorseful over his actions. He stated that the groups have helped him to become more in touch with his emotions; he recognises that he had tried to shut out his feelings over the years whilst living a celibate life in the brotherhood. He acknowledges his offending behaviour and takes responsibility for it, and states he would welcome any further intervention by a psychologist or psychiatrist in relation to his past offences.

SUBSTANCE USE HISTORY

Brother Chute told me he drinks alcohol, generally on a nightly basis, consisting of one stubby of beer, a glass of wine and maybe a whisky. He states since he was diagnosed with diabetes six years ago he has significantly reduced his consumption. He states he used to drink on a social basis and does not remember getting drunk.

THE OFFENCES

Brother Chute was unable to recall the details of the victims of his offending behaviour but acknowledges his guilt. He told me that he made many attempts over the years to seek help for his problem and remembers going to a psychologist who was also a priest in Sydney whilst he was at Penshurst and was told "it will pass". He acknowledged a recurrent attraction to young boys and distorted cognitions in relation to his contacts with them stating that he had regarded his actions as an expression of affection. He is aware however that he has made excuses in the past but has had to confront his behaviour and the underpinning reasons for it during his counselling sessions with the psychologist and in the groups over the last five years.

ASSESSMENT

Intelligence

Brother Chute was administered the Wechsler Abbreviated Scale of Intelligence (1999) WASI, an individually administered short and reliable measure of intelligence designed for use with individuals from 6 to 89 years. This test yields Verbal, Performance, and Full Scale IQ scores and consists of four subtests: Vocabulary, Block Design, Similarities and Matrix Reasoning. These tap various facets of intelligence such as verbal knowledge, visual information processing, spatial and non verbal reasoning and crystallised and fluid intelligence. The Vocabulary and Similarities subtests comprise the Verbal scale and yield a Verbal IQ; and the Block Design and Matrix Reasoning subtests comprise the Performance Scale and yield a Performance IQ

Brother Chute's Full Scale IQ lay at 95 in the range 91 to 99 in the lowest 37th percentile of population norms. There was a marked and significant difference between his Verbal and Performance IQ that of the latter lying in the sound Average range in the range 96 to 108 whereas his Performance IQ lay at 89 in the range 84 to 95.

It must be noted that Performance IQ items entailing block design reflect the ability of the individual to visually perceive and analyse abstract figures and to construct the whole from the component parts. It is a measure of perceptual organisation and spatial reasoning. The matrix reasoning task reflects the ability to mentally manipulate abstract symbols and perceive the relationship among them and is a measure of non verbal fluid reasoning. However the Verbal subtests entailing vocabulary and similarities, reflect the individual's verbal knowledge and fund of information and additionally measure crystallised abilities as well as verbal concept formation. Thus, Brother Chute's performance on the Non Verbal more fluid reasoning tasks hitherto

unfamiliar to him shows some decline in performance compared to his Verbal reasoning abilities which have remained more constant over time. The difference between his Verbal and Performance IQ is statistically significant at the 5 percent level of confidence which indicates that the probability of this difference occurring through chance alone is 5 in 100.

Memory

Brother Chute was administered the Wechsler Memory Scale – Third Abbreviated (WMS-III A) which is a fast, reliable survey of auditory and visual memory abilities. It is individual administered and consists of four subtests measuring auditory and visual, immediate and delayed memory. The four substates have been demonstrated to be sensitive to memory dysfunction associated with a variety of clinical conditions and the instrument is intended to be used as an effective method of screening for memory impairment.

Brother Chute's Total Memory Composite yielded a standard score of 88 in the range 80 to 97. His Immediate Memory composite yielded a standard score of 86 whereas the Delayed Memory composite was a little higher at 92 in a range 82 to 102. Thus, he showed minor improvement in the Verbal Memory task after a delay, whereas his results remained much the same for the Visual Memory subtests.

When comparing his Memory Composite score to his IQ, the difference was not significant statistically. Thus, there was no marked or significant discrepancy between his general intellectual ability as measured by the Wechsler Abbreviated Scale of Intelligence and his Memory incorporating immediate and delayed components as measured by the WMS-III (Abbreviated).

Brother Chute's results therefore show no significant decline in memory function for both Verbal and Visually based material. It must be noted that his scores are compared to those of his age group, when computing both intelligence and memory cognitive functioning.

Mood States

Brother John Chute was administered the Depression, Anxiety and Stress Scale (DASS-21), a set of three self report scales designed to measure the negative emotional states of depression, anxiety and stress. As the subject is required to respond by rating the degree to which each symptom was experienced over the last week, the test is designed to emphasise states rather than traits, i.e. how the subject is currently feeling. This test has been standardised and normed in Australia. It has very good reliability and validity.

The client revealed moderately high levels of depression, anxiety and stress, all three results falling around the 95th percentile, nearly two standard deviations from the norm. This questionnaire specifically addresses reactive mood states rather than more entrenched personality characteristics and thus reflects his emotional responses to his current circumstances .

CONCLUSIONS

Brother John Chute's presentation at our session together, the history he gave me and results of a brief assessment of his mood states indicates a moderately anxious and depressed individual in response to his current situation. There are indications from his statements that Brother Chute denied or suppressed the extent of his depression and unhappiness during his years spent in the Brotherhood and instead became what he describes a workaholic, engaged in lengthy hours of teaching as well as sporting activities such as coaching cricket and football and was also involved in Toastmasters at various Marist Brothers schools. Brother John Chute gives a history of being fairly isolated emotionally from others even though he socialised with his fellow brothers and teachers. He acknowledges being a victim of sexual interference by a brother at his Lismore Primary School, and then at the Novitiate by an older pupil. He also acknowledges engaging in inappropriate fondling and sexual activity with boys despite not remembering their names or identities.

Brother Chute has sought counselling over the last few years to address his offending behaviour. He has participated in the Encompass programme consisting of eight months intensive group and individual counselling and follow-up sessions with a clinical psychologist over five years. Brother Chute was removed from the teaching profession in 1992 but it has only been in the last five years that he has really confronted his behaviour and made attempts to remedy his actions. He exhibits appropriate remorse and concern over the destructive effect his behaviour had on his students.

Brother Chute's intelligence level and memory were thoroughly assessed utilising the Wechsler Abbreviated Scale of Intelligence and WMS-III Abbreviated. Although showing some signs of decline in intellectual functioning of fluid reasoning entailing spatial and visually based designs, Brother Chute's general intelligence level did not differ markedly from his composite memory score, thus showing no significant decline in verbal or visually based immediate or delayed memory. Brother Chute's verbal capacities lay in the sound average range, and indicate that he would be able to fully participate in and benefit from further counselling regarding his sexual offences.

Brother Chute's health problems may possibly be exacerbated by any period of incarceration compounded by his high levels of anxiety and stress. It is

envisaged that he would comply with any community based supervision and counselling requirements, through the New South Wales or ACT Probation and Parole service. I understand that he still consults a clinical psychologist on a regular basis and could continue this as well as attending any other specific sex offending programme as required.

I hope this report is helpful in your deliberations and thank you again for your referral.

Yours sincerely



ANITA DUFFY
BA Hons MAPS

Attached: Brief resume