

Rebecca Campbell
Clinical Psychologist
(BA Psych, MA Psych, MA Psych (Clin. Psych.), MAPS)
Suite 2, 407 - 409, Bong Bong St
BOWRAL NSW 2576
Ph: 4861 6640/ fax: 4861 6840

4.5.08

GREG WALSH & CO
Solicitors
PO Box 185, OATLEY

PSYCHOLOGICAL REPORT

Name: CHUTE, Kostka
DOB: 13.5.32

Referral

This report is provided at the request of Greg Walsh, solicitor, who is acting on behalf of Brother Chute. Brother Chute has pleaded guilty to 11 counts to commit act of indecency. These offences occurred when he was teaching at a Marist Brothers school in the in the ACT in 1986/87. Information contained in the report in based on the following sources of information:

- Clinical Interview
- Psychological File
- Psychiatric report, John Albert Roberts, Consultant forensic psychiatrist, 15.1.08.
- Psychiatric report, Dr Christopher Aristides Canaris, Consultant Psychiatrist, 9.4.08.
- SONAR
- Static-99

Statement of Expertise

I am currently fully registered as a Psychologist with the NSW Psychologists Registration Board. I have approximately 11 years experience as a Psychologist, including 5 years within the employ of the Department of Corrective Services.

Contact

Brother Chute first attended for psychological consultation and counselling on 16.4.03. He had recently completed the Encompass Program, for sexual offending. Brother Chute was complying voluntarily with advice from the Encompass team to establish regular contact with a counsellor upon successful completion of the 6 month residential program. Brother Chute attended regular fortnightly, then monthly sessions over a period of 18 months, and since has since maintained contact, attending every 3-6 months.

Presentation

Brother Chute presents as a neatly attired, 75 year old man in reasonable health. Brother Chute has always been punctual and reliable in his attendance. He appears alert, and is articulate and communicative during sessions. He is orientated to time and place. Brother Chute has willingly engaged in the interview and counselling process. Recently there has been some indication of anxiety, and general distress which are related to current legal issues.

Brother Chute has shown enthusiasm toward psychological intervention, and the other recommendations following his participation in Encompass.

Session Content

Sessions focussed on cognitive behavioural approaches for relapse prevention and goal achievement, along with supportive counselling and exploration of past issues.

Symptoms of depression, and low self-esteem were themes throughout his adolescence and adulthood. These issues have been addressed in counselling sessions.

Background

Brother Chute was born in Corakai, near Lismore, Northern NSW, the youngest of 10 children. He describes a trying childhood, involving considerable sadness. His father died when he was 9 years old, and at this time he was sent to cousins in Lismore. Brother Chute recalls being sexually abused at around 9 ½ years of age.

He was separated from his mother and twin sister at age 11, and sent to a Marist Brothers' residence. He has remained with this order, being ordained a brother in 1952. Whilst Brother Chute was accepting of this arrangement, he felt he had little involvement in the decision. He recalls further sexual abuse by a Brother at around 11 ½ years of age. During his time with the Brothers he received no sexual education or guidance. His life within the Brotherhood was strictly regimented, and he had very little contact with family.

Brother Chute was placed in various teaching positions. He reported that at age 20 he became Sports master and Master of Discipline at Marist Rosalie, responsible for over

500 students. Brother Chute has described the pressure he felt being entrusted to such senior positions at a very young age.

He continued his ministry with various teaching positions throughout NSW and the ACT. He retired in 1992, when he took up residence in Mittagong. He moved to a smaller residence in Blacktown in 2007.

Brother Chute has now established regular contact with his siblings. He is particularly close to his twin sister, who resides in Northern NSW. He describes having considerable family support in facing the current charges.

Cognitive Functioning

Whilst I have conducted no specific cognitive functioning tests, recently Brother Chute has reported experiencing memory loss. He has stated that colleagues have noted this problem. Recent medical investigation suggests impairment in cognitive function, specifically in relation to memory, and possibly reflecting reported MRI evidence of "brain disease" (Dr Roberts, 2008). It is likely that recent anxiety may also be adversely affecting memory, along with other physiological factors which can accompany the ageing process.

Criminal History

There is no reported history of criminal offences.

Risk of Sexual Re Offending

Brother Chute's risk of sexual recidivism, in relation to non-changeable risk factors, was assessed using the Static-99. The Static-99 is an actuarial instrument used to assign an offender to a risk category. The Static-99 utilises only static (unchangeable) factors that have been seen in the literature to correlate with sexual reconviction in adult males. The estimates of sexual and violent recidivism produced by the Static-99 can be thought of as a baseline of risk for violent and sexual reconviction. From this baseline of long-term risk assessment, treatment and supervision strategies can be put in place to reduce the risk of sexual recidivism. On the basis of this instrument, Brother Chute obtains a score of 3 (points allocated for having male victims, the absence of a relationship and there having been unrelated victims) which translates to a low/medium category of risk.

Changeable or dynamic risk factors were examined using the SONAR (Sex Offender Needs Assessment Rating). Brother Chute obtains a score of 1, indicating a low category of risk.

Research has been undertaken into the risk of recidivism for sexual offenders amongst Catholic priests and members of religious orders. Recidivism rates of abusive priests has been reported at approximately 5% after 10 years, this being lower than for rates of

recidivism in other child molesters which is approximately 15 - 25% after 10 years (Hanson, R.K., Pfafflin, F., & Lutz, M. (Eds). (2004))

Attitude Toward Offences & Treatment

Brother Chute has acknowledged his guilt, wrongdoing and exploitation of power over his victims. He has stated that he is unable to fully recall all details of his offending. Brother Chute has disputed some of the charges made against him (e.g. an allegation regarding a pornographic film), expressing his belief that certain incidences did not occur. However, for those offences that he does acknowledge, he has expressed remorse, and deep sympathy for his victims.

Brother Chute has willingly participated in an intense 6 month residential program, targeting his sexual offending, and has undertaken extensive follow-up work. This has included signing a "Continuing Care Contract", for a 5 year period, which involves monitoring his psychosexual, emotional, spiritual and physical health, along with his accountability in relation to attendance at meetings, contact with therapists, and general conduct. It has seemed evident that Brother Chute takes this contract seriously, and reports that he has abided accordingly. Brother Chute voluntarily entered the Encompass program, after asking for assistance in dealing with his offending history. This suggests a sense of responsibility on Brother Chute's part. He has seemed genuinely invested in gaining greater insight into, and addressing his offending behaviour, and in improving his general psychological state.

There is no evidence of any remaining pro-offending attitudes or belief systems. He has developed an awareness of risk factors and has structured a lifestyle that greatly minimises these risks to re-offending.

Summary and Conclusion

Brother Chute has lived a life of service in a religious order that he entered at an extremely young age. He has had very limited control over his life choices, with no guidance in his sexual development or any sexual matters, and has reportedly been victim to sexual abuse himself. Whilst this history should not excuse the betrayal of trust that Brother Chute has admitted to, such psychosocial factors do assist in perhaps understanding the development of the offending behaviour.

Brother Chute has acknowledged his guilt, and the seriousness of his crimes. His compromised memory reportedly prevents him from recalling specific details, but he has not attempted to deny culpability. He expresses shame and remorse. Brother Chute has expressed sorrow for his victims, and has given serious consideration to the impact his offending likely had on their lives.

He has willingly undertaken extensive therapeutic work over the last 5 years, and had attempted to seek assistance prior to this. He has identified risk factors related to his

offending and has in place strategies to minimise these. Brother Chute currently resides in a small Marist community in Blacktown and is vigilant in avoiding any contact with possible victims. Brother Chute has voluntarily undertaken a very comprehensive approach to acknowledging and addressing his offending behaviour.

With the attitudes he expresses toward the offences, his current lifestyle and the actuarial measures of risk in mind, it seems that there is little risk of Brother Chute re offending.

Yours Sincerely



Rebecca Campbell.