

12/10/2014

Gmail - Re: Investigation



Matthew Mccarthy <[REDACTED]>

Re: Investigation

1 message

Matt McCarthy <[REDACTED]> Mon, Jun 17, 2013 at 4:53 PM
 To: Wayne Laycock <wlaycock@[REDACTED]>
 Cc: Darren Banfield <darren.banfield@aafc.org.au>

Sir

Thank you for the very prompt and detailed reply. Given SQNLDR(AAFC) O'DONNELL advised me not to be concerned I formed the view that CWOFF CJE was on the edge of an inquiry, not directly involved hence I saw no need to call and only made inquiries last week with the XO when I became aware of the nature of her involvement. My view at the time was given I was not notified then I didn't need to know. My intent of course is not to interfere hence my email directly to you and not to the investigators.

Indeed I view my function as support to CWOFF CJE in welfare issues only, and relaying the concerns of Ms CJO on this occasion regarding the timing of the interview.

All my concerns have been addressed and I'll leave it at that for now.

Thank you again.

Matt McCarthy

Sent from my iPhone

On 17/06/2013, at 12:30 PM, Wayne Laycock <wlaycock@[REDACTED]> wrote:

Matt

You make some very valid points. Support should have been provided right from the very start of the inquiry. The process is fine. This was purely a quick inquiry to establish whether there was a need for further investigation. The CWOFF should have been interviewed right at the start of the process and the support provided at that point. When I found out that the CWOFF hadn't been spoken to to confirm or deny the complaint made, I intervened and the process was completed in a very short time. The use of the telephone to establish if the matter required investigation is quite appropriate as it was a third party that may have had a motive for making the complaint eg. former boyfriend. Any investigation though would be quite different.

SQNLDR(AAFC) O'Donnell was conducting an initial inquiry, not an investigation. She was being mentored by SQNLDR(AAFC) Banfield. You are quite correct in your assumption that SQNLDR(AAFC) O'Donnell was out of her depth as it was the first time she has conducted an initial assessment and tried to undertake it more as an investigation than as an initial inquiry.

The CWOFF is the victim and is entitled (within reason) to have whomever she wishes to support her. In this case I was informed that there was an agreement from the very first telephone call that the CWOFF's mother would be the support person for her daughter. I was also told that you had been informed so you could provide support. I also instructed the WG Psychologist to provide support on behalf of the AAFC once the CWOFF had been spoken to.

The quick assessment, which actually took longer than it should, has been completed. I have now directed a full investigation. I have appointed SQNLDR(AAFC) Banfield to conduct the inquiry. This will be with the support of SQNLDR(AAFC) O'Donnell so she can be taught how to undertake these inquiries. At the time of directing the investigation, you were copied on the terms of reference.

The timings of interviews is a matter for negotiation between SQNLDR Banfield and the parents

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and CWOFF. After having spoken to SQNLDR(AAFC) Banfield this morning he is not aware that the suggested timing was not suitable to the parents. He will be making personal contact with them today.

There is no question of your competence. It appears, although you were aware that there was an issue regarding the CWOFF, you were not informed of the details. A call to me would have fixed that if you had concerns at that time. Your only role in this matter though is to provide support to the CWOFF. Please don't get caught up in any investigation yourself as I know it is a natural thing for you and I to do. If you have issues please talk to SQNLDR(AAFC) Banfield or contact myself.

Having said all that, I have requested a legal opinion from Defence Legal as to whether this is a mandatory reporting matter to the NSW Police as the CWOFF is between the age of 17 & 18 and was under the care of the AAFC. Should we be required to report this matter then the AAFC investigation will be suspended pending the result of any police action. If we have to report this then I will have a chat with you as to the best means to achieve that.

I have asked SQNLDR(AAFC) Banfield to have a chat with you this evening. Feel free to ring me if you wish to. Other than being told timelines are being met I will not be privy to the investigation details as I will have to adjudicate once it is complete.

Regards

Wayne Laycock
Wing Commander (AAFC)
Officer Commanding 3 Wing
Australian Air Force Cadets

Tel: REDACTED

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<aafc[1].gif>

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OC 3WG

For Information: XO 3WG

Sir

Further to the email chain below from CWOFF ^{CJE} and her mother Ms ^{CJO} I feel I need to discuss a number of issues with you regarding this matter which I will set out in a chronology.

1. About 1907 on TUE 4 JUN 13 I received a 1 minute phone call from SQNLDR(AAFC) O'DONNELL. She advised me that I was not to be concerned, a matter has come to notice regarding CWOFF ^{CJE} and she asked about her home living arrangements, she then called CWOFF ^{CJE} s home.

While I am not aware of the specifics of the conversation I have since become aware CWOFF ^{CJE} was advised of an investigation and her father was spoken to. As a result of that phone call her father was of the belief that I knew about the investigation, it's exact nature and he communicated this to CWOFF ^{CJE}

2. On WED 5 JUN 13 CWOFF ^{CJE} apparently walked on egg shells around me under the belief that I had full knowledge of this matter. She wanted to tell me herself but felt a need not to based on the conversations between her

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father and SQNLDR(AAFC) O'DONNELL, but she was very concerned about my thoughts towards her professionally and personally, and wondered why I did not have a conversation with her.

3. On WED 12 JUN 13 CWOFF CJE told me in confidence she was being spoken to by HQ in relation to a matter, but did not disclose the nature of it, which I later found out was due to a combination of fear and embarrassment. I advised her I did not know what the matter was, but she has my full confidence and support with her welfare my only concern. She requested leave for WED 19 JUN 13 to attend HQ. (I recall a previous Tuesday night may have been mentioned that was arranged for an interview but this was changed to the WED 19 JUN 13)

4. On THUR 13 JUN 13 a friend of CWOFF CJE contacted her asking about the 'rumour'

5. On FRI 14 JUN 13 at about 1000 the wing Psychologist contacted CWOFF CJE by text. This was the first occasion in 2 weeks that AAFC support services were in contact with her. Following this message a number text messages were exchanged with PLTOFF(AAFC) CJF and at 1530 CWOFF CJE phoned PLTOFF(AAFC) CJF and made full admissions to her, in part because her 302 SQN staff had not yet discussed the matter with her when she was still under the impression that we knew, notwithstanding my conversation with her on WED 12 JUN 13. Immediately following that conversation PLTOFF(AAFC) CJF phoned me, and that was the first time I became aware of the gravity of the situation.

6. I phoned the XO that night and expressed my grave reservations in the way the investigation has been managed, in that HQ saw fit not to advise me, that CWOFF CJE and her family were under the impression that I knew, obviously a conversation that was managed most poorly by SQNLDR(AAFC) O'DONNELL, that CWOFF CJE was very uncomfortable around me for 2 weeks when I could have offered her my full confidence and support, and worse of all, that I had to hear about the seriousness of the matter, some two weeks later from a cadet. I discussed the pending interview from the perspective of CWOFF CJE's welfare where she had requested PLTOFF(AAFC) CJF sit in the interview as a support person, in addition to her mother to which her mother approved. The XO's view was he supported this arrangement. I emailed CWOFF CJE that she has done nothing wrong, that she has my full support and my function in this matter is to ensure her welfare.

7. On SUN 16 JUN 13 SQNLDR(AAFC) O'DONNELL had a conversation with CWOFF CJE about the possible shift of the interview to Friday. CWOFF CJE stated she would like to have PLTOFF(AAFC) CJF as a support person in addition to her mother, apparently SQNLDR(AAFC) O'DONNELL refused this request in such a way that CWOFF CJE felt uncomfortable in her conversation with SQNLDR(AAFC) O'DONNELL. One could assume that SQNLDR(AAFC) O'DONNELL was attempting to intimidate CWOFF CJE not to have PLTOFF(AAFC) CJF present.

8. This morning MON 17 JUN 13 CWOFF CJE sent me the email below to me regarding the possible shift of the interview to FRI 21 JUN in that her mother is not available, therefore it is my view the interview will NOT occur on FRI and that every effort will be made to conduct it on WED 19 JUN 13 with the nominated support persons present, provided they are appropriately briefed on their role during the interview process.

That all being said, and my frustrations are not directed personally at you but at the process. It is my view the process has been gravely mishandled from the start. CWOFF CJE is the victim who requires the utmost care and consideration in this matter. That I was not contacted from the start, and the way I found out I consider unforgivable. That support services were not offered from the start and took 2 weeks to reach to CWOFF CJE I find reprehensible, that her family are being considerably inconvenienced with respect to the interview process I consider incompetent, that CWOFF CJE has been

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contacted by phone on multiple occasions I believe shows this is being mishandled when it is my view any contact past the first call should be entirely by email so appropriate records of the nature and extent of the contact are maintained, and that she and her mother feel the need to express their dissatisfaction with the process, when they are the victims I consider most appalling.

From CWOFF CJE and indeed her parents perspective, especially by the tone of Ms CJO s email the process so far questions the competence of the AAFC and indirectly calls into question my competence as her CO in this matter, which I am very angry about. It is also my view that SQNLDR(AAFC) O'DONNELL is considerably out of her depth and the matter needs to be taken over entirely by SQNLDR(AAFC) BANFIELD, and more compassion and professionalism needs to be demonstrated immediately towards CWOFF CJE and her family

I'm flying to Melbourne at 1300 today but have matters to attend to before and when I arrived. I'll free to talk in detail from 1700 this afternoon. I return to Sydney Wednesday afternoon.

Regards,

Matt McCarthy
Flight Lieutenant (AAFC)
Commanding Officer 302 Squadron
Australian Air Force Cadets

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Email: matthew.mccarthy@aafc.org.au

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----- Forwarded message -----
From: CJO
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