

Baker, Huw

From: Derrig, Erin
Sent: Tuesday, 22 November 2011 4:35 PM
To: Baker, Huw
Subject: FW: Conference at ODPP: 22/11/11: [CDM] 201016539

FYI below.

Regards,

Erin Derrig

Solicitor, Group 1

Office of the Director of Public Prosecutions (NSW)

Telephone [REDACTED]

Facsimile (02) 9285 8700

From: Derrig, Erin
Sent: Tuesday, 22 November 2011 4:34 PM
To: Sandra Mclachlan
Cc: cases
Subject: RE: Conference at ODPP: 22/11/11: [CDM] 201016539

Dear Sandy,

Thank you for meeting with myself and Crown Prosecutor Huw Baker this afternoon. I confirm that the following discussion took place:

- Mr Baker explained the need to obtain further particulars from each complainant and the difficulty that presents with the testimony of young children where there is no corroboration such as injury. Mr Baker explained that without further particulars it is unlikely that we would be successful in a tendency argument or in succeeding with a conviction generally.
- Mr Baker emphasised the need for a back-up plan if [CDM] is not convicted in terms of restricting his ability to work with children. He asked that you consult various legislation in order to determine what options are available.
- Last week we met with the complainant's mothers, [CDN] [CEX] and [CEZ], all of whom gave their consent to have their daughters re-interviewed.
- When re-interviewing each complainant Mr Baker asked that you take the following course:
 - (i) Prior to interviewing the children, obtain records from the childcare centre and become familiar with the layout and split up of rooms. In addition, obtain records from [REDACTED] Community Health and Sutherland Community Services Centre (I note that you require me to provide you with a subpoena for the former). The parents of the complainants may also have photo diaries given to them from [CEG] which may assist in grounding a time/place.
 - (ii) Have each child should watch their first interview before they are re-interviewed.
 - (iii) When re-interviewing the children, first seek to establish if they have any memory of the

disclosures they made in the first interview, and then explore any new memories.

- (iv) We need to particularise a discrete event that might be grounded in time with details such as a particular season, events happening in the life of the child at the time such as birthdays etc.
 - (v) Show the complainants photos of the childcare centre to assist with their recollection.
 - (vi) When we met ^{CDN} she mentioned that ^{CDO} made disclosures to her counsellor ^{REDACTED} about the accused taking her into a shed. Before re-interviewing ^{CDO} Huw asked if you could make inquiries with ^{REDACTED} and then explore this with ^{CDO} in her interview.
 - (vii) In relation to ^{CEW}, her mother ^{CEX} asked if Kelly Donaghy could being present at the next interview as ^{CEW} feels comfortable with Kelly. Huw asked if you could arrange for Kelly to be present, or to meet with ^{CEW} before she is re-interviewed.
- We also briefly discussed the evidence given by each complainant and looked at the lack of particularity in each case.
 - We agreed that it is important to have the children re-interviewed as soon as possible. You suggested that you would aim for a two week time frame.

Thank you again for your time this afternoon. I will be in touch over the next few days and will forward you a subpoena for Engadine Community Health tomorrow.

Regards,

Erin Derrig

Solicitor, Group 1

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