



Royal Commission
into Institutional Responses
to Child Sexual Abuse

Statement

Name

Address Known to the Royal Commission

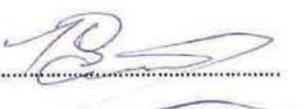
Date 2 March 2016

1. This statement made by me accurately sets out the evidence that I am prepared to give to the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission). The statement is true and correct to the best of my knowledge and belief.
2. Where direct speech is referred to in this statement, it is provided in words or words to the effect of those which were used, to the best of my recollection

Background

3. My full name is and my date of birth is 1955. I am a qualified speech pathologist.
4. My husband and I have four children. is the eldest of our four children. He was born on 1985 and is turning 31 this year. My husband and I approached the Royal Commission to tell 's story because he has multiple disabilities and has difficulty engaging with the community.

5. When was in early preschool my husband and I were aware that he had developmental issues. When he was ten years old he was diagnosed with Autism and Tourette's syndrome. From an early age he has had extremely advanced care needs.

Signature: Witness: 

6. In 1996 when was 11, things started to unravel. His behaviour became extremely violent and challenging. He was harming himself, me, my husband, his siblings and property. He was also running away from home and containing him was extremely difficult. He went into care with the Department of Human Services (DHS) because his behaviour was so challenging. He was placed in several different residential facilities where he was provided with full-time care.
7. My husband and I would visit about three times a week. We would visit him separately because visiting together seemed to upset him. was confined during these visits because he was so assaultive.

Disclosure of Abuse

8. In June 1998, was transferred to a DHS residential facility in Toolangi Grove, Preston. Around this time, my husband and I were introduced to a new casual disability support worker, who was present for some of our visits with .
9. In about May 1999, when was 13, my husband and I were visiting at the DHS residential facility. My husband told me that, while s doctor and I were in the kitchen, told my husband that had sexually abused him. My husband immediately reported the disclosure to a senior staff member of DHS, who was present at the house.

Police Investigation - 1999

10. The police mainly liaised with DHS throughout their investigation but my husband and I did have some contact with the police. In or about May 1999 the police told me they wanted to interview and they asked me about the best way to communicate with him. I told them to keep the questions simple and to only ask him one question at a time.

Signature: ... Witness: 

Statement of ^{CDK} continued

11. At the time of the investigation, ^{CDL} appeared to have quite good language skills mainly because he had a good vocabulary and a very good memory so he would repeat what he had heard in detail. However, his understanding and comprehension was not at a level of most 11 year olds. He had difficulty understanding complex instructions and would get overwhelmed by noises and was easily distracted. In addition, ^{CDL}'s ability to communicate his own thoughts and emotions was restricted. For example, he could repeat a story someone had told him, using their intonations, but, if you asked him about his day, his responses were very limited.

12. I didn't think that the police would get a disclosure from ^{CDL} and I hoped that the police would not push too hard and make ^{CDL} feel uncomfortable to a point where he may attempt to self-harm or assault someone. The police told me they would try to build a rapport with ^{CDL} and were mindful of his state of mind.

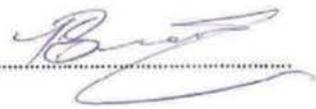
Police interviews – 1999

13. I remember being at the DHS house where ^{CDL} was living on about two occasions in about mid-to late 1999 when the police interviewed ^{CDL}. I think I was present for all of the police interviews because I remember the police consulted with me about what time suited me for the interviews.

14. ^{CDL} was very fragile at the time of these interviews. He was self-harming when he got distressed and we were all concerned that if the police pursued questions too vigorously they'd be endangering ^{CDL}'s life. This made the entire situation very difficult.

15. The interviews were structured in a fairly similar way. I can't remember exactly where the police and ^{CDL} were located in the house during the interviews but I remember they were separated from each other and the police would talk to ^{CDL} through a security screen door. I was in the house with the DHS staff in

Signature: ...
^{CDK}

Witness:


a different room so couldn't see me but I could hear what was being said.

16. I remember that at the end of one of the interviews, I heard the police ask if he knew the difference between truth and lies. just disintegrated and couldn't distinguish between a truth and a lie. The police later explained to me that this was important.

17. After the interviews, I remember the police came in and spoke to me and the DHS staff as a group. I remember the police telling us they were trying to assess whether 's could tell the story of his abuse clearly and whether it would stand up to the necessary standard to lay charges.

Decision not to continue

18. After the last interview the police had with , the police spoke to my husband and I and told us that they had decided to put the investigation on hold and wouldn't pursue further charges.

19. The police emphasised that they would need to do a video recording to get the evidence required to lay charges and they couldn't do that with because of his extreme behaviour and the high risk of distressing him. They didn't want him to have any reason to hurt himself. I agreed with this.

20. I remember that the police also explained that 's answers to their questions seemed to show that didn't know the difference between the truth and lies. After the decision had been made not to pursue charges, the police told us that 's complaints could be re-investigation at any time in the future if could tell his story more clearly.

21. I don't think there was anything else the police could have done to try to obtain 's evidence at that time. He was so ill and disintegrating. Everyone was

Signature: Witness: 

really frustrated and we were scared that ^{CDL} [redacted] was going to keep hurting himself, so it was the right decision to make.

Police Investigation - 2008 & 2009

22. In or about April 2008 a new DHS house supervisor told my husband and I that ^{CDL} [redacted] had been disclosing details about his abuse and that the supervisor had requested police re-open the investigation. ^{CDL} [redacted] was about 23 years old.

23. After DHS made the report to police, my husband and I decided to contact the police ourselves.

24. My husband had initial discussions with investigating police officer, Senior Constable Paula JARSKI. Senior Constable JARSKI gave us an explanation of what the process would be like. She explained that it would be very useful to get ^{CDL} [redacted]'s disclosures on video. My husband and I both gave Senior Constable JARSKI a lot of information about ^{CDL} [redacted] generally including his conditions before she met him. She agreed that it would be better for ^{CDL} [redacted] if female officers conducted the interviews.

Police interviews - 2009

25. At the time of this re-investigation, ^{CDL} [redacted]'s behaviour had improved dramatically from when he was 13 years old. In particular, he was less prone to abusive attacks and was not harming himself as much. However, ^{CDL} [redacted] still had substantial communication difficulties. His ability to communicate was such that he could cope with short, simple commands if distractions were kept to a minimum. His verbal language was fluent but he had limited ability to generate original language or to initiate novel communication.

26. On 15 April 2009 I attended an interview that Senior Constable JARSKI had with ^{CDL} [redacted] in his DHS home. I remember Senior Constable JARSKI, another female officer and I sat at a table and ^{CDL} [redacted] sat on a lounge chair in the same room,

Signature: ... ^{CDK} [redacted] ... Witness: 

about ten feet away. The DHS staff were nearby and there may have been a video recorder in the room as well but I can't remember. The interview lasted about an hour.

27. Throughout the interview, was always consistent with his disclosures, saying things like, 'It is medicine and I'm going to give it to you' and 'Suck it like a lollipop', 'Dick up the bum' and talking about showers with the adult'. From discussions with my husband I know that used these same phrases in 1999 when he first disclosed to my husband.

28. Overall, the police interview was quite a positive experience. Senior Constable JARSKI was calm and competent. She seemed to understand the value in reassuring that she believed him and really responded to this. Before the interviews, was very fearful of police and would say, 'If I say anything, the police will come and arrest me.' He was worried they would take him away, especially as police had been involved in assisting DHS staff when taking to hospital on a number of occasions. I think Senior Constable JARSKI did a lot to dispel this belief and reassured him that what had happened to him was wrong. The police were lovely with him.

Decision not to charge

29. After the interviews, I don't remember meeting Senior Constable JARSKI in person again but we talked over the telephone. She was always accessible. We discussed that had consistently made the same disclosures against for 10 years and his language was indicative that something had happened to him. Senior Constable JARSKI told us that they would proceed to interview .

30. At some point after 's interview, my husband and I had a discussion with Senior Constable JARSKI and she told us the police had decided not to pursue charges against . Senior Constable JARSKI told me that, though she thought was very consistent in his descriptions, the police would not

Signature: Witness: .. 

pursue charges. The main reason she provided for the decision was that the DHS staffing records, which would show [CDJ] worked with [CDL] at the DHS residential facility alone, could not be located.

31. I told Senior Constable JARSKI that I believed that [CDL] was feeling more safe and reassured. Senior Constable JARSKI said she was pleased with that but disappointed that they weren't able to go any further. She told us that if there was further information that came to light or if [CDL] was able to give more evidence, the matter could be re-activated.

Impact of the Abuse and Reporting

32. [CDL] was deeply traumatised as a result of the abuse. His behaviour became so extreme. It has caused enormous dysfunction in our family and it has been hard for our other children to have a meaningful relationship with [CDL]. He is getting calmer so this is improving slowly.

33. [CDL] was already extremely traumatised by the time the police got involved in 1999. I don't think the police did anything in particular to exacerbate his emotional situation further. I was surprised they got as much information out of him as they did without any negative effect on him.

34. The second investigation by police reassured and validated [CDL]. It helped him become more confident in verbalising not just what had happened but how he felt. It had a good impact on our family. Senior Constable JARSKI disclosed a lot more about the process than the officers in the initial investigation, which was helpful for us. We were able to convey to the kids that the process wasn't going to re-traumatise [CDL]. At the end of the interviews, we felt that [CDL] was feeling safer as a result, even if the matter didn't proceed. I felt that by talking to [CDL] so frankly, Senior Constable JARSKI was having a salutary effect on him in that he liked being listened to, believed and acknowledged. She was very

Signature: [CDK] Witness: 

impressive and compassionate to him and us. We are very grateful for the police for reassuring that he was safe to tell his story.

Recommendations to the Royal Commission

35. The more training the police receive with respect to people with communication difficulties and disabilities, the better. I would recommend that experts in communication assist with this training.

36. It would be good to have police work with the complainant's therapists so those qualified and experience professionals are able to inform and educate police about behaviour and communication specific to the individual complainant's needs.

37. I also recommend that experts on disability give evidence in court as to the particular traits associated with specific disabilities. For example, people with Autism don't understand the concept of lying. It is uncharacteristic for them to lie because they don't understand that something might not be true.

38. There should also be a system where matters like s come up for review with the police. Our family has not had any communication from police since 2009. There should be an automatic process for police to re-engage with complainants who have not been able to give sufficient details of the abuse at an earlier time because of their age or disability.

Signed:

Date: 2/3/2016

Witness: 

Date: 02/03/2016