

APPENDIX 2

LPS01A

LEAP - VICTORIA POLICE

22:32 02/04/2010

CPS CASE RECORD SUMMARY REPORT

Page: 1

Printed By: VP31651 SCONST JARSKI

CPS CASE NUMBER: 990000231

STATION: HHCPS

STATUS: COMPLETED

Reported: 1430 24/05/99

Incident Ref. Number: 990166292

Init Case Type: CHILD - SEXUAL ASSAULT

Update Case Type:

Reporting Mbr: 24818 SSGT STUBBERFIELD

Station: HHCPS H DIST CPS

CIB Notified: GREENSBOROUGH CIU

At: 1555 hrs 14/06/99

Member: 26818 SGT SMITHWICK

Referred: BY DEPT. OF HUMAN SERVICES

Time: 1430 hrs 24/05/99

Name: REDACTED

DHS Involved: YES

DHS Involved Initially: YES

Phone: REDACTED

PERSONS INVOLVED

Involvement: NOTIFIER

Name: REDACTED

Relationship: SOCIAL WORKER/COUNSELLOR

Address:

Ph: REDACTED

Involvement: SUBJECT

Name: CDL

Sex: M

Age: 24

Dob: REDACTED 985

Address: REDACTED

Ph:

Mni: REDACTED

BUNDOORA, VIC. 3083.

CONTACT DETAILS

*** This record could not be retrieved due to an error ***

Proc: LPS01P_INQ_CODES

Error: 100 Key:

0229

CPS CASE NARRATIVE

24/05/99 S/C STUBBERFIELD

FROM S/SGT VINEY - RECD. NOTIFICATION FROM REDACTED (DHS) RE:

CDL. SUBJECT HAS SEVERE INTELLECTUAL DISABILITIES INCLUDING AUTISM/TURETTS SYNDROME. IS VERY AGGRESSIVE AND VIOLENT (SEE C/B 75/99). SUBJECT ALLEGEDLY TOLD HIS FATHER LAST WEEK THAT A PREVIOUS WORKER CDJ HAD ASKED HIM TO PUT HIS PENIS IN HIS MOUTH. CDJ WAS A PART TIME EMPLOYEE APPROX. 6 MONTHS AGO. FURTHER DETAILS WILL BE FAXED ON 24/5/99.

CPS MEMBER TO LIASE WITH REDACTED ON 25/5/99 TO DISCUSS FURTHER.

25/05/99 S/C FITZGERALD 1345HRS..

CONTACTED REDACTED AS NO FAXED NOTIFICATION RECD.

STATED THAT CDL IS IN SECURE PREMISES AT PRESENT AND HAS TWO

WORKERS WITH HIM AT ALL TIMES. HE IS EXTREMELY VIOLENT AND STRONG.

THEY ARE STILL ORGANISING AUTHORISATION RE: DISCLOSURE WITH SUBJECT.

C/T TO THIS OFFICE MAY BE LATER THIS WEEK OR NEXT WEEK. DHS STATED

THAT HE IS TOO VIOLENT TO DO A VATE HERE AND WILL NEED TO CLARIFY WHAT

THEY ARE GOING TO DO.

AT THIS STAGE TO AWAIT C/T FROM DHS.

FATHER'S DETAILS ARE CEV - NIL FURTHER KNOWN.

NO FURTHER ACTION REQD. THIS OFFICE UNTIL C/T FROM DHS.

CREATED: 1527 HRS 25/05/1999 BY: VP24818

26/05/99 A/SGT WILSON NOTED FILE, THIS MATTER TO BE REVISITED WEEK OF 31/

5 & CLARIFY WITH DHS EXACTLY WHERE THEY ARE WITH THIS. DIRECTION CAN NOT

BE DECIDED UNTIL THEN.

CREATED: 1713 HRS 26/05/1999 BY: VP25209

FITZGERALD

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===== CPS CASE NARRATIVE =====

28/05/99; S/T [REDACTED] AND DISCUSSED THE NOTIFICATION FAXED TO OUR OFFICE. DISCLOSURE APPT. 1630HRS ON 2/06/99 AT SUBJECTS HOUSE. FITZGERALD AND JOWETT TO ATTEND. NO KNOWN WHERE AT THE HOUSE THE DISC. WILL BE ATTEMPTED UNTIL WE SEE WHAT STATE OF MIND THE SUBJECT IS IN ON THE DAY. CPS TO CONTACT PARENTS AND ARRANGE SOMEONES ATTENDANCE AND THE DHS TO ARRANGE THE ATTENDANCE OF HIS DHS WORKER.

29/05/99 1515HRS; S/T [CDK] AND ARRANGED HER ATTENDANCE AT THE SUBJECTS HOUSE ON 2/06/99 AT 1630HRS. SPOKE ABOUT CPS INVOLVEMENT AND OUR APPROACH WITH THE DISCLOSURE. MOTHER BELIEVES THAT CPS WONT GET A DISCLOSURE FROM SUBJECT AND HOPES THAT CPS WILL NOT PUSH TO HARD SO AS MAKE THE SUBJECT FEEL UNCOMFORTABLE WHERE HE MAY ATTEMPT TO ASSAULT HIMSELF OR SOMEONE ELSE. ADVISED MOTHER THAT WE ARE TRYING TO ESTABLISH A RAPPORT WITH SUBJECT AND IF NOTHING BECOMES OF A OUR ATTEMPT ON 2/6, THEN WE CAN ATTEMPT TO TRY AGAIN ON ANOTHER DAY. INFORMED MOTHER THAT CPS WILL BACK OFF STRAIGHT AWAY IF IT LOOKS LIKE SUBJECT IS GETTING UPSET. ALSO ADVISED MOTHER THAT UNLESS SUBJECT DISCLOSES TO CPS, THEN AN IMMEDIATE INVESTIGATION IS UNLIKELY UNTIL THE SUBJECT DISCLOSES AN OFFENCE. VATE PROCESS DISSCUSSED AND EXPLAINED TO MOTHER. ADVISED BY MOTHER THAT SHE HAS A GOOD RELATIONSHIP WITH HER SON, EVEN THOUGH HE CAN GET UPSET ON OCCASIONS. SUBJECT NORMALLY GETS UPSET WHEN EITHER PARENT ARRIVES AND HE ASKS FOR SWEETS/LOLLIES AND IS TOLD NO. SUBJECT PUTS ON A TURN THEN, BUT AFTER A FEW MINUTES PASS AND THE SUBJECT IS CHANGED, HE IS ALRIGHT AGAIN. INFORMED THAT THE SUBJECT IS WEARING HEAD GEAR AND HAS BOTH ARMS RESTRAINED BEHIND HIS BACK AT ALL TIMES, SO THAT HE CAN NOT INJURE HIMSELF OR ANYONE ELSE.

1945HRS; CALL RECEIVED FROM SUBJECTS FATHER, [CEV]. HE CALLED TO SEE IF CPS WANTED TO S/T TO HIM AND MAKE SURE THAT DHS WERE BEING TRUTHFULL WITH CPS ABOUT ALLEGATIONS. HE BELIEVES THAT DHS ARE NOT BEING COMPLETELY TRUTHFULL WITH US. HE ALLEGES THAT THE ALLEGATION OF SEXUAL ASSAULT WAS ALSO ACOMPANIED WITH A NOTIFICATION OF PHYSICAL ASSAULT WHEN HE REPORTED TO DHS, BUT BELIEVES THAT [REDACTED] IS NOT TAKING IT SERIOUS AND HAS JUST FORGOTTEN ABOUT THE PHYSICAL ASSAULT. STATES THAT HE IS AVAILABLE TO ASSIST CPS AT ANY TIME AND UNDERSTANDS THAT THE POLICE INVOLVEMENT IS TOTALLY INDEPENDANT TO THE DHS INVESTIGATION. ADVISED THAT IF ANY FURTHER INFO IS REQUIRED, HE OR HIS WIFE WILL BE CONTACTED PRIOR TO 2/06/99.

CREATED: 2039 HRS 29/05/1999 BY: VP27624

2/6/99 JOWETT/FITZGERALD 1630 HRS
 ATTENDED AT [REDACTED] S/T [REDACTED] DHS SUPERVISOR,
 [REDACTED] DHS CARER, [REDACTED] DHS CASE WORKER, [REDACTED]
 DHS MANAGER AND [CDK] SUBJECT'S MOTHER. DISCUSSED SUBJECT'S
 HISTORY AND DISCLOSURE I/V STRATEGIES. AGREED IT WOULD BE BEST FOR
 SUBJECT TO REMAIN UNRESTRAINED IN COURTYARD AND FOR US TO S/T SUBJECT
 THROUGH SECURITY DOOR. [REDACTED] [REDACTED] AND [CDK]
 TO SIT IN ADJACENT ROOM WITHIN HEARING BUT OUT OF SIGHT. [REDACTED]
 ADVISED THAT SUBJECT HAD BEEN QUITE CALM AND RECEPTIVE FOR LAST TWO DAYS
 BUT WAS EXTREMELY UNPREDICTABLE. AGREED TO STOP I/V IF SUBJECT BECAME

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===== CPS CASE NARRATIVE =====

AGGRESSIVE OR UPSET.

1650 HRS COMMENCED DISCLOSURE I/V. S/C FITZGERALD LEADING AND S/C JOWETT TAKING NOTES. SUBJECT CAME AND SAT NEAR SECURITY DOOR AND WAS HAPPY TO ENGAGE IN GENERAL CONVERSATION RE HIS BIKE AND REPTILES AND WHAT HE HAD BEEN DOING ETC. SUBJECT DID NOT MAKE DISCLOSURE INITIALLY UNTIL THE NAME [CDJ] WAS MENTIONED. SUBJECT STATED THAT [CDJ] HAD NOT DONE ANYTHING TO HIM THAT HE DID NOT LIKE AND THAT HE WAS A GOOD BLOKE WHO

WORKED WITH HIM AND COOKED FOR HIM. SUBJECT WAS ASKED IF HE TOLD HIS DAD ABOUT SOMETHING THAT HAPPENED AT THE [REDACTED] HOUSE. HE REPLIED 'HAVING SEX'. SUBJECT THEN ASKED WHAT HE MEANT BY 'HAVING SEX' AND HE REPLIED 'HE USED TO GIVE IT TO ME'. SUBJECT ASKED 'WHO AND HE REPLIED [CDJ]'. SUBJECT THEN WENT ON TO DISCLOSED THAT ON ONE OCCASION WHEN HE WAS IN THE SHOWER AT THE HOUSE IN [REDACTED] THAT [CDJ] 'PUSHED HIS DICK UP HIS BUM'. ALSO STATED THAT [CDJ] WAS NOT WEARING ANY CLOTHES WHEN THIS HAPPENED AND THAT HE DID NOT SAY ANYTHING TO [CDJ]. ALSO STATED THAT IT HAPPENED AFTER DINNER BUT COULD NOT GIVE ANY IDEA OF A DATE OR PERIOD OF TIME. SUBJECT WAS ASKED WHAT IT FELT LIKE WHEN [CDJ] DID THIS AND HE REPLIED 'DUNNO'. SUBJECT ASKED IF IT WAS A 'GOOD FEELING OR A BAD FEELING' AND HE REPLIED 'GOOD'. SUBJECT ASKED HOW HE KNEW THAT THIS WAS SEX AND HE REPLIED THAT THIS WAS WHAT [CDJ] TOLD HIM. SUBJECT DID NOT DISCLOSE ANYTHING ABOUT ORAL SEX EITHER ON HIM OR BY HIM OR ANY OTHER OFFENCES BY [CDJ] OR ANY OTHER PERSON. I/V CONCLUDED AT 1712 HRS AS SUBJECT BECOMING DISTRACTED.

S/T [REDACTED] [REDACTED] [REDACTED] CDL [REDACTED] AND CDK [REDACTED]. ALL AGREED THAT I/V WENT WELL AND THAT SUBJECT DID NOT BECOME AGGRESSIVE OR UPSET AT ANY TIME AND APPEARED QUITE CALM WHEN TALKING TO US, ASIDE FROM HIS GETTING UP AND WALKING AROUND COURTYARD A COUPLE OF TIMES AND CALLING FOR HIS MOTHER, WHICH IS QUITE NORMAL BEHAVIOUR FOR HIM. ADVISED THAT WE WOULD LIKE TO S/T SUBJECT ONE MORE TIME TO CLARIFY SOME POINTS BEFORE PROCEEDING TO THE NEXT STAGE. ALL PARTIES AGREEABLE PROVIDED THE GOOD PROGRESS SUBJECT WAS MAKING WAS NOT AFFECTED BY OUR VISIT. ALSO AGREED THAT IT WOULD BE IMPOSSIBLE TO CONDUCT A VATE I/V EITHER AT THE OFFICE OR THE HOUSE DUE TO SUBJECT'S UNPREDICATABLE BEHAVIOUR. S/C FITZGERALD TO SEEK ADVICE RE THIS MATTER BEFORE PROCEEDING. TENTATIVE APPT MADE FOR BOTH CPS MEMBERS TO RE-ATTEND ON WED 9/6/99 AT 1600 HRS RE FURTHER I/V WITH SUBJECT PENDING HIS Demeanour AND OUR FURTHER ENQS.

CREATED: 2008 HRS 02/06/1999 BY: VP23462

FITZGERALD/JOWETT

09/06/99 1630HRS; ATTENDED AT THE SUBJECTS ADDRESS AT [REDACTED] WHERE A 2ND DISCLOSURE WAS CONDUCTED IN THE HEARING OF [REDACTED] SUBJECTS MOTHER AND HIS CARE WORKER [REDACTED]. SUBJECTS VERY ALERT AND HAS HAD ONE OF HIS MEDICATIONS HALFED. SUBJECT RECALLED WHO WE WERE AND WAS S/T ABOUT WHAT HE HAD BEEN UP TO TODAY. SUBJECT HAPPY TO TALK AND RECALLED THAT WE HAD VISITED HIM LAST WEEK AND THE STATED WE SPOKE ABOUT [CDJ]. SUBJECT INFORMED THAT WE WERE POLICE AND THAT WE WERE THERE TO HELP HIM AND HE WAS NOT IN ANY TROUBLE.

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===== CPS CASE NARRATIVE =====

ATTEMPT TONIGHT WAS TO I.D. WHO CDJ WAS. WHEN QUESTIONED ABOUT WHAT DID HE HAVE TO SAY ABOUT CDJ, HE SAID CDJ PUT HIS DICK IN HIS MOUTH. ASKED SUBJECT TO DESCRIBE CDJ SUBJECT UNABLE TO GIVE A FREE NARRATIVE OF A DESCRIPTION OF CDJ HAD TO BE LEAD. GIVEN OPTIONS AND THE SUBJECT ALWAYS PICKED THE LAST OPTION HE WAS GIVEN IF HE DID NOT KNOW THE ANSWER. FITZGERALD LEAD THE I/V AND JOWELL TOOK NOTES. INTRODUCED THE NAMES OF OTHER WORKERS WHO CARED FOR THE SUBJECT AT REDACTED ADDRESS. IN 1ST DISCLOSURE THE SUBJECT SAID THAT HE WAS ASSAULTED BY CDJ THE 1ST NIGHT CDJ LOOKED AFTER HIM. FROM REDACTED, LIST OF NAMES SUPPLIED AND THE ONLY CDJ TO WORK WITH SUBJECT WAS CDJ WHO WAS A REPLACEMENT STAFF. HIS FIRST OVER NIGHT STAY TO CARE FOR SUBJECT IS BELIEVED TO HAVE BEEN 11/10/98 TO 7/11/98 ROSTER NO.11. OTHER NAMES SUPPLIED WERE FULL TIME STAFF, REDACTED (ACTING HOUSE SUPERVISOR)
REDACTED
REDACTED
REDACTED
REDACTED

REPLACEMENT STAFF;
REDACTED
REDACTED
REDACTED
CDJ (SUSPECT)

WHEN SUBJECT QUESTIONED ABOUT I.D. OF CDJ AND GIVEN THE NAMES OF THE OTHER STAFF, HE BECAME CONFUSED AND CHANGED WHO HAD ASSAULTED HIM. BUT WHEN THE NAME OF CDJ WAS BROUGHT UP AGAIN HE WOULD CHANGE HIS MIND AGAIN AND STATE THAT CDJ ASSAULTED HIM. UNABLE TO I.D. THE SUSPECT EXPECT FOR THE FACT HE CALLS HIM CDJ TO BE CONTINUED. (2302HRS)
CREATED: 2223 HRS 09/06/1999 BY: VP27624 UPDATED: 0737 HRS 11/06/1999 BY: VP27624

SUBJECT STATED THAT CDJ HAD BRN HAIR, WAS TALL AND HAD DARK SKIN. S/T SUBJECT ABOUT CDJ PUTTING HIS DICK IN SUBJECTS MOUTH AND SUBJECT STATED THAT THIS OCCURRED AT A DIFFERENT TIME TO CDJ PUTTING HIS DICK UP THE SUBJECTS BOTTOM. SUBJECT STATED THAT THE BOTTOM INCIDENT WAS THE 1ST INCIDENT AND BOTH INCIDENTS OCCURRED IN THE SHOWER AT REDACTED
CREATED: 0737 HRS 11/06/1999 BY: VP27624

AS PREVIOUSLY MENTIONED, THE SUBJECT STATED THAT REDACTED WAS THE OFFENDER WHEN GIVEN THE NAMES OF REDACTED CDJ AND REDACTED SUBJECT LATER CHANGED HIS MIND AND STATED THAT IT WAS CDJ WHO ASSAULTED HIM. THE ONLY OTHER INFO DISCLOSED BY THE SUBJECT WAS THAT CDJ THE ALLEGED OFFENDER USED TO WALK TO WORK.

TRUTH AND LIES WERE SPOKEN ABOUT AND AS A RESULT THE SUBJECT COULD NOT UNDERSTAND THE DIFFERENCE.

HAD A DISCUSSION WITH REDACTED SUBJECTS MOTHER, REDACTED AND CDL AND IT WAS AGREED THAT SUBJECT WOULD NOT BE ABLE TO SIT THROUGH A VATE COMFORTABLY. THE SUBJECT WOULD HAVE TO BE RETRAINED, WOULD BE WEARING BOXING HEAD GEAR FOR PROTECTION, JUST IN CASE HE ATTACKED SOMEONE OR HIMSELF. THE POSSIBILITY OF THE VIDEO CAMERA BEING DAMAGED OR ATTACKED

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BY THE SUBJECT WOULD BE TO MUCH OF A RISK AT THIS STAGE. DHS AND PARENTS OF THE SUBJECT IN TOTAL AGREEMENT WITH THESE RISKS. IT IS ALSO AGREED BY ALL THAT THE I.D. OF THE ALLEDGED OFFENDER CDJ [REDACTED] CAN NOT BE CONFIRMED AND THAT THE TRUTH AND LIES TOPIC IS A PROBLEM.

DISCUSSED THAT IF A VATE WAS TO BE CONDUCTED IN THE FUTURE A SET OF QUESTIONS WOULD BE WRITTEN WITH THE CONSULTATION OF THE SUBJECTS MOTHER, [REDACTED] AND CDL [REDACTED] SO THAT THE SUBJECT FULL UNDERSTANDS THE QUESTION.

SUBJECTS MOTHER TO DISCUSS WITH HER HUSBAND CEV [REDACTED], RE: VATE OF SUBJECT IN THE NEAR FUTURE. THE SUBJECTS MOTHER BELIEVES THAT IS WOULD NOT BE IN THE SUBJECTS BEST INTEREST TO BE INVOLVED IN A VATE AT THE MOMENT DUE TO THE RISKS ALREADY MENTION. IT IS BELIEVED THAT THE CONDITION OF THE SUBJECT WILL IMPROVE IN THE FUTURE, BUT IT IS NOT KNOWN HOW QUICK.

SUBJECTS PARENTS TO GET BACK TO CPS AT THE END OF THE WEEK. DHS TO CONDUCT THEIR OWN INVESTIGATION AND WILL REQUIRE A REPORT FROM CPS AS TO THEIR FINDINGS. S/C FITZGERALD TO COMPLETE AND SUPPLY.

SGT TO NOTE. CASE UNLIKELY TO PROCEED BECAUSE OF I.D. PROBLEM AND THE CONDITION OF SUBJECT MAKING IT IMPOSSIBLE TO CONDUCT A VATE AT THIS STAGE. WILL FOLLOW UP WITH SUBJECTS PARENTS.

CREATED: 0851 HRS 11/06/1999 BY: VP27624

FITZGERALD 1350HRS; CONTACTED CEV [REDACTED] AT HOME BY PHONE. STATED THAT HE HAD DISCUSSED WITH HIS WIFE CDK [REDACTED] THE OUTCOME OF THE DISCLOSURE I/V'S. AT THIS STAGE HE AND HIS WIFE DO NOT WANT THE INVESTIGATION TO PROCEED AS THEY TOO BELIEVE THE VIDEO EQUIPMENT AND PERSONS INVOLVED IN THE VATE COULD BE AT RISK IF THE SUBJECT WAS TO BE VATED. AS HE IS UNABLE TO GIVE A FREE NARRATIVE OF THE ALLEGED INCIDENTS AND NOT UNDERSTANDING THE DIFFERENCE BETWEEN TRUTH AND LIES AT THE MOMENT IT IS THOUGHT BY HIS PARENTS THAT THE SUBJECT SHOULD BE GIVEN TIME TO MAKE A FURTHER RECOVERY. THE SUBJECT APPEARS TO BE RECOVERING SLOWLY AND HIS PARENTS BELIEVE IF GIVEN THE TIME HE WILL PROVIDE A FURTHER DISCLOSURE AT A LATER DATE WITHOUT BEING LEAD. INFORMED CEV [REDACTED] THAT THERE WERE NO STATUTE OF LIMITATIONS RE; THE OFFENCES ALREADY DISCLOSED AND THAT HE OR HIS WIFE COULD CONTACT THE CPS AT ANY TIME IN THE FUTURE AND THE FILE COULD BE RE-OPENED. NO FURTHER CPS ACTION REQUIRED UNTIL PARENTS OF SUBJECT CALL TO HAVE INVESTIGATION RE-OPENED. CBE TO BE CLOSED, SGT TO NOTE AND FILE TO BE CHANGED TO SEXUAL ASSAULT-CHILD. LEAP REPORTS TO BE SUBMITTED ONCE SGT HAS NOTED THE CBE.

CREATED: 1430 HRS 11/06/1999 BY: VP27624 UPDATED: 1533 HRS 11/06/1999 BY: VP27624

11/06/99 A/SGT WILSON NOTED FILE. (HAVE THIS DATE ALSO MARKED 75/99 RE SAME SUBJECT TO PENDING. CHECK SAME FOR DETAILS), OBVIOUSLY UNUSUAL SITUATION. HAVE NOTED CONCERNS AND REQUESTS OF ALL THOSE DEALING WITH THIS SUBJECT AND SUGGEST IT IS APPROPRIATE AT THIS STAGE TO ADHERE TO THEM. SUBMIT FORMS & AWAIT LEAP NUMBER, FILE THEN TO BE EFFECTIVELY 'PUT ON HOLD' UNTIL SUBJECT IS ABLE TO APPROPRIATELY PROVIDE INFORMATION. IT IS OBVIOUSLY NOT IN HIS BEST INTERESTS TO FORCE THE ISSUE AT THIS STAGE.

CREATED: 1914 HRS 11/06/1999 BY: VP25209

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===== CPS CASE NARRATIVE =====

12/6/99 S/C STUBBERFIELD 1720HRS..
CHECKED FOR LEAP INC. NO - NIL.
CREATED: 1718 HRS 12/06/1999 BY: VP24818
15/6/99 BELL
LEAP INCIDENT NUMBER OF 990166292 ADDED TO FILE.

SERGEANT TO NOTE.
CREATED: 2232 HRS 15/06/1999 BY: VP27781

17/06/99 A/SGT WILSON - AS PER PREVIOUS NOTATION, FILE TO PENDING. S/SGT
TO NOTE.
CREATED: 1735 HRS 17/06/1999 BY: VP25209
NOTED
CREATED: 1952 HRS 01/07/1999 BY: VP18522

*** END OF REPORT ***