



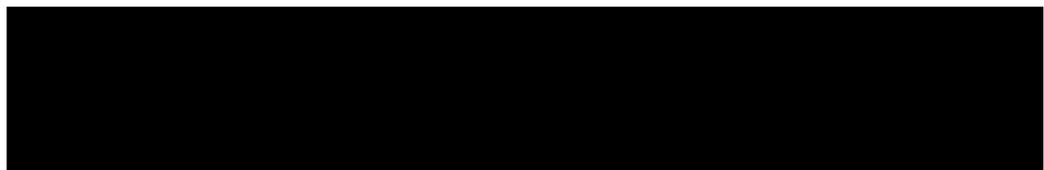
## WITNESS STATEMENT OF PETER CHARLES YEOMANS

I, Peter Charles Yeomans, Police Officer, do solemnly and sincerely declare that:

1. This statement made by me accurately sets out the evidence that I am prepared to give to the Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse in Institutional Settings (the **Commission of Inquiry**). The information in this statement is true and correct to the best of my knowledge and belief.

### Background

2. I am a Detective Chief Inspector of NSW Police Force and am presently attached to the Child Abuse and Sex Crimes Squad, State Crime Command. I have held my current rank since 2004.
3. I attested as a Police Officer in 1980. I served as a General Duties officer until around 1986. Since 1986, I have worked in criminal investigations. I served as a plain clothes officer from 1986 and was designated as a detective in 1990. From 1986 to 1990 I was attached to Newcastle District; from 1990 to 1996 I was attached to Dee Why Police Station; and in 1996, I was attached to Chatswood Police Station.
4. In 1988, I completed the Initial Response Officers Course (**IROC**) which involved training in interviewing children, taking statements of first complaint concerning sexual assaults and investigating sexual assault matters. I also completed further updated IROC training in 1993. In 1996, I was appointed to the newly formed Child Protection Enforcement Agency, as one of four Detective Sergeants (Team Leaders). I served at the Child Protection Enforcement Agency for about eight years. I was then appointed as the Crime Manager at Chatswood Police Station. I served at Chatswood Police Station as the Crime Manager for eight years. I commenced as Detective Inspector attached to the Child Abuse and Sex Crimes Squad in 2012 overseeing the operational side of investigations into child abuse.
5. Attached to this statement marked **PCY-1** is a copy of my curriculum vitae.



## Child Abuse and Sex Crimes Squad

6. The Child Abuse and Sex Crimes Squad is comprised of the following:
- (a) Child Abuse Units (**CAUs**) that investigate sexual abuse, serious physical abuse or extreme neglect of children aged under 16 years in accordance with set criteria (discussed further in paragraphs 7 to 12 below);
  - (b) these CAUs operate in conjunction with staff from Department of Communities and Justice (**DCJ**) and NSW Health in a Joint Referral Unit (**JRU**). The JRU sits within the Joint Child Protection Response Program (**JCPRP**) (discussed further in paragraphs 16 to 30 below). The JRU assesses referrals received via the Child Protection Helpline (**Helpline**) to determine whether they meet the criteria for a joint response, a sole Health or DCJ response, or alternatively should be referred to a policing command for further investigation;
  - (c) Investigation Teams provide a major crime response to allegations of protracted child abuse and serious sexual offences;
  - (d) the Child Exploitation Internet Unit (**CEIU**) investigates sexual exploitation of children facilitated through the use of the internet and/or telecommunication systems, and conduct/coordinate investigations into the large scale production, dissemination and possession of child abuse material (discussed further in paragraphs 13 to 15 below);
  - (e) the Child Protection Register (**CPR**) provides specialist advice and assistance to police commands concerning the administration of the Child Protection Register; and
  - (f) the Surveillance Team provide specialist cover support to the Squad.

### *Overview of CAUs*

7. The CAUs are not attached to a region and operate under its own command within the NSW Police Force. As a result, CAUs are not 'swallowed up' if a particular region has a homicide or a large-scale investigation that use up police resources.

8. It should be noted that CAUs are not housed in police stations with uniformed police officers. Children feel more comfortable engaging with our officers as a result, which appears, historically over a period of time has led to more disclosures.
9. Cases are referred to the nearest CAU from the location at which the victim resides, rather than where the offence took place. This allows us to:
  - (a) coordinate timely access to care and support services for the child and their family or carers; and
  - (b) coordinate agency intervention to minimise the number of investigative and assessment interviews conducted.
10. CAU police who conduct child victim interviews receive specialist training in the field and complete various internal and external courses. Police investigators are also under the direct supervision of trained and experienced Team Leaders who monitor and/or review the outcomes of interviews.
11. Further, the CAUs have access to specialist advice from witness intermediaries to assist in interviewing and communicating with children. I discuss witness intermediaries in paragraphs 31 to 47 below.
12. To ensure the wellbeing of our police officers, they are required to participate in mandatory quarterly psychological tests. This occurs through trained psychologists within our Psychology Unit of the NSW Police Force. Further, our investigators are rotated into other areas within NSW Police Force every three years. The rotation policy is strictly adhered to both for development and welfare of the officer concerned (this rotation is usually for a period of three months).

#### *CEIU*

13. The CEIU maintains networks with other state, national and international law enforcement bodies and external agencies involved in the investigation of computer facilitated sexual exploitation of children.
14. The CEIU provides assistance to the Australian Federal Police (**AFP**) in relation to offenders who are disseminating or in possession of child abuse material. Child abuse material offences are usually charged under the Commonwealth legislation.
15. In my experience, offenders do not always disseminate or possess child abuse material and also commit contact offences.

### The Joint Child Protection Response Program

16. The JCPRP is a tri-agency program delivered by the Department of Communities and Justice, the NSW Police Force and NSW Health. The program operates statewide and provides a comprehensive and coordinated safety, criminal justice and health response to children and young people alleged to have experienced sexual abuse, serious physical abuse and serious neglect. Attached to this statement marked **PCY-2** is a copy of the JCPRP information brochure.
17. Each agency has specialised knowledge and expertise in their area of work and has responsibilities under the *Children and Young Persons (Care and Protection) Act 1998* (NSW). The JCPRP links the:
  - (a) protective intervention and risk assessment role of the Department of Communities and Justice;
  - (b) criminal investigation conducted by the NSW Police Force;
  - (c) prosecution systems of the Office of the Director of Public Prosecutions; and
  - (d) medical examination and treatment, counselling and therapeutic services to the child or young person and to the non-offending parent or care-giver by NSW Health.
18. In September 2018, the Secretary of Department of Communities and Justice (then Family and Community Services), the Secretary of NSW Health and the Commissioner of NSW Police Force negotiated a Statement of Intent to guide the future of the partnership. Attached to this statement and marked **PCY-3** is a copy of the Statement of Intent dated September 2018.
19. In the Statement of Intent, it was agreed that the NSW Police Force would take the lead on and coordinate the response to allegations of child abuse where it determines that there are sufficient grounds for the likely commencement of criminal proceedings.
20. Further, the Statement of Intent supplements each agencies' obligations in respect of exchanging information that is relevant to the safety, welfare and wellbeing of a child or young person (discussed further in paragraph 28 below).

21. The Statement of Intent provides clarity on the roles and responsibilities of each agency in the JCPRP. The partnership is working very well, and I believe that this multi-disciplinary approach is providing better outcomes for children, young people, their families, carers and the community.

#### *JCPRP Process*

22. Cases for the JCPRP come through a shared central reporting system, the Helpline. Cases are then assessed and triaged by all three agencies at the JRU.
23. If the case meets the JCPRP criteria, the Department of Communities and Justice will refer the matter to the JRU. Attached to this statement marked **PCY-4** is a copy of the JCPRP Criteria for Entry into the Program dated December 2021.
24. If the case meets the JCPRP criteria, it will be referred to the CAU nearest to the victim's residential address. A joint response between the NSW Police Force, the Department of Communities and Justice and NSW Health would respond to the complaint via a Local Planning & Response (**LPR**) process.
25. The coordinated response through the JCPRP allows for the holistic collection of information, negating where possible, the need for children and young people to repeat their account and reducing the risk of re-traumatisation.
26. Reports which are not referred for a JCPRP response may still require a safety and risk assessment, criminal investigation or health service response. Therefore, reports that do not meet the JCPRP criteria may still be referred for a local response to the relevant Community Service Centre and where required to the NSW Police Force and/or NSW Health.
27. For example, where a report concerns a 7 year old boy who has indecently assaulted a 6 year old girl, referrals may be made to the local Community Service Centre and NSW Health. However, a referral would not be made to the NSW Police Force because the boy is below the age of criminal responsibility.

#### *Information sharing*

28. The information sharing provisions in the SOI supplements the legislative provisions for the exchange of information under Chapter 16A and section 248 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW). One example is the requirement to proactively exchange information relevant to the

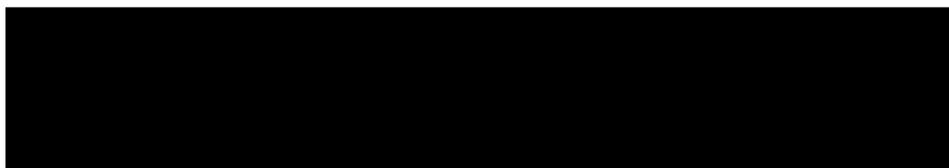
safety, welfare and wellbeing of a child throughout the LPR process, including real time access to victim interviews to inform safety and risk assessments.

#### *Co-location*

29. There are currently 19 CAUs operating throughout NSW, the vast majority are not co-located, but work in proximity to Department of Communities and Justice and NSW Health.
30. Unlike previous models it is seen as best practise to have the agencies in close proximity to each other, rather than being 'co-located'. This is particularly for police who are constantly undertaking investigative strategies in order to provide an effective law enforcement response, including such things as covert operations etc. Whether a location is co-located or not, effective and regular communication between agencies is critical to the success of the JCPRP.

#### **Witness intermediaries**

31. The Department of Communities and Justice's Child Sexual Offence Evidence Program (**CSOEP**) provides two initiatives to assist child victims of sexual offences to engage with the criminal justice system.
32. The first initiative is expansion of the use of pre-recorded evidence. The court now allows for cross-examination and any re-examination of child complainants and child prosecution witnesses to be pre-recorded. This separate pre-recording takes place before a judge and lawyers (not a jury), and the child victim or witness can give their evidence from outside the courtroom, from a remote witness room, so they do not have to encounter the accused person. These recordings are then played back to a jury at trial, removing the need for the child to attend court.
33. The second initiative introduces witness intermediaries in child sexual offence matters. Witness intermediaries are accredited professionals from one of give primary disciplines — speech pathology, social work, psychology, teaching or occupational therapy. Witness intermediaries can assist the police (during forensic recorded interviews) or the Court (during court proceedings, including during pre-recording of evidence) in facilitating communication by and with the witness.



34. NSW has procedures for the use of witness intermediaries in the CSOEP. Attached to this statement marked **PCY-5** is the Procedural Guidance Manual – Witness Intermediary dated April 2019.

*Use of witness intermediaries for police forensic recorded interviews*

35. It has become part of policing practice to engage witness intermediaries when interviewing children during the investigation process.
36. Under the NSW model, witness intermediaries do not participate in the police forensic recorded interview. Before the police interview, (at the child's assessment stage) witness intermediaries meet with the child to assess how they communicate and identify what might help communication during the police interview. It is not a diagnostic assessment and as such full clinical tests are not necessary or appropriate.
37. Witness intermediaries will provide a preliminary report to the police case officer, in usually oral form. It is likely to focus on guidance for questioning the witness in a way which will promote complete, accurate and coherent communication with the witness. For example, witness intermediaries may help plan the interview including such aspects as to language, use of communication aids, need for breaks, and how best to arrange the room.
38. They will also advise police on matters such as cultural issues that may influence communication with children from culturally and linguistically diverse backgrounds.
39. Prior to witness intermediaries coming on board, police thought that they knew how to interview children and there was a level of scepticism about the need for witness intermediaries. However, we have now seen how well witness intermediaries can work and it has changed policing practice for the better. We are getting disclosures which would not have been possible without them, and many of these have led to successful prosecutions. Children have been able to give evidence as soon as possible after the alleged offence, and in my view, this is the best evidence.

*Use of witness intermediaries for pre-recording of evidence in court proceedings*

40. The CSOEP involves the early pre-recording of evidence to reduce the time spent in court by children and addresses their communication needs by providing witness intermediaries.

41. Before the pre-recorded hearing, witness intermediaries meet with the child to assess how they communicate and prepare a report to the court outlining their communication needs and the best ways to communicate during the pre-recording of evidence so they can give their best evidence. Where any witness has engaged with a witness intermediary during the police forensic recorded interview, to the extent possible the same witness intermediary is allocated to conduct the assessment for the court proceedings.
42. The use of witness intermediaries is mandatory in child sexual offence proceedings before the Sydney and Newcastle District Courts. The fact that it is mandatory in certain courts has accelerated the judicial system's awareness and understanding of the CSOEP and the role of witness intermediaries in this process.
43. I believe that the use of witness intermediaries in pre-recording of evidence enables us to obtain the best evidence and mitigates the risk of re-traumatisation for children during the court process. I believe that witness intermediaries lead to better outcomes in the criminal justice process, and more importantly for the child.

*Eligibility for witness intermediaries*

44. Under the CSOEP, witness intermediaries are available to child victims and witnesses under the age of 16 years (and for those aged 16 to 17 years with communication needs) in child sexual offence matters:
  - (a) for police forensic interviews at Newcastle (Hunter CAU) and Sydney (incorporating CAUs at Central Metropolitan and South West Metropolitan offices); and
  - (b) before the Newcastle and Sydney District Courts where a Judge has made a court order for inclusion in the program.
45. That said, 'Out-of-Program' witness intermediary referrals can be made to the Department of Communities and Justice Victims Services. From April 2016 to September 2020, 140 requests were received from police and 124 requests from courts for Out-of-Program referrals.<sup>1</sup>

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<sup>1</sup> [https://www.courts.qld.gov.au/\\_data/assets/pdf\\_file/0008/679571/jurisdictional-summary-of-intermediary-schemes.pdf](https://www.courts.qld.gov.au/_data/assets/pdf_file/0008/679571/jurisdictional-summary-of-intermediary-schemes.pdf).

### *Training*

46. Whilst witness intermediaries bring professional training and skills to the role, it is a unique and emerging special area of interdisciplinary professional practice that requires ongoing specific role related professional development. As such, they have continuing professional development requirements in order to continue their membership on the panel of accredited witness intermediaries as part of the CSOEP.
47. In addition to capability requirements, the success of the program is dependent on having the 'right' people as witness intermediaries. They have primary jobs in their area of practice and being a witness intermediary is their second job. It is therefore critical to have people who are passionate and motivated about assisting child victims of sexual abuse.

### **Responses to child sexual abuse**

48. While at a general level, the NSW Police Force can face practical difficulties investigating allegations if the complainant declines to be interviewed, each matter needs to be assessed on a case by case basis.
49. When investigating allegations of institutional child sexual abuse, the overriding risk of significant harm to the individual and other children in the institution is the primary factor in the decision making process. As such, an investigation would still be initiated even if the complainant declines to give a statement, through a joint response with the Department of Communities and Justice, NSW Health and the NSW Police Force.
50. Insofar as the NSW Police Force's investigation, if a complainant of institutional child sexual abuse is received and the child, or other children, are at risk, investigations would be performed by interviewing other children at the institution and gathering other corroborative evidence that is available, such as medical evidence, even if the complainant declines to give a police interview/statement.
51. Formal police action is not the only course of action in circumstances where the complainant declines to provide a statement to the NSW Police Force. The co-ordinated response with Department of Communities and Justice and NSW Health facilitates a response where, for example, the child is removed into the care of Department of Communities and Justice and the child's physical and mental wellbeing is attended to by representatives from NSW Health.

52. Further, police response is not always reactive. In the NSW Police Force, our Police Area Commands are aware of institutions where there are vulnerable children, such as in residential care homes. I am aware that these Commands actively identify people of risk to those children and take proactive steps such as conducting surveillance and participating in meetings with community services to identify issues and nullify emerging risks.

### **Changes in institutional responses**

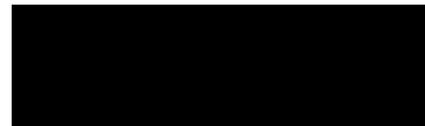
53. The cases that came out of the Royal Commission into the Institutional Responses to Child Sexual Abuse (**National Royal Commission**) were very historic in nature. It is difficult to precisely define what is 'historic', but I would broadly define one as such if there is no crime scene due to the effluxion of time.
54. My recent experiences have shown me that institutions are far more aware of their reporting obligations than they have been historically.
55. The NSW Police Force has seen increased rates of reporting in sexual matters involving children, indicating a significant shift in community standards. That shift has generally strongly favoured support of the child and their disclosure. I have seen this particularly from schools and health services – these are sections in our community that deal with this issue most often and they will ring us or the Helpline immediately after an incident, which was not as apparent in the past.

### **Conclusion**

56. I am available to assist the Commission of Inquiry as required.

I make this solemn declaration under the *Oaths Act 2001* (Tas).

Declared at   
on 24 April 2022



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Peter Charles Yeomans

Before me

