



WITNESS STATEMENT OF JONATHAN CRAIG HIGGINS

I, Jonathan Craig Higgins, Police Officer, do solemnly and sincerely declare that:

1. This statement made by me, is in response to the additional questions posed in relation to the Notice to Prepare and Produce a Document or Statement, RFS-POL-005, requested by 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.

Acronyms

ATLAS	Tasmania Police intelligence system
DPP	Director of Public Prosecutions
OLC	Online Charging
ORS	Offence Reporting System
TRIM	DPFEM Electronic document and records management system

Question 1

The Commission is aware of reports or communications with Tasmania Police in relation to Lester [REDACTED] that are not listed in Exhibit JCH-001 to your statement declared on 8 August 2022. The unlisted reports are:

- a) *"Disclosure Report – Intel Submission" arising from a statutory declaration made by [REDACTED] on 20 November 2012 (Annexure A: TPOL.0002.0003.0126);*
- b) *Email from Jacqueline Allen (Department of Communities) to you dated 6 November 2020, attaching a statement given by Ira [REDACTED] (Annexure B: TPOL.0002.0003.0375 and TPOL.0002.0003.0376);*
- c) *Email from Jacqueline Allen (Department of Communities) to you dated 9 November 2020 attaching claims made under the State Redress Scheme by [REDACTED] and [REDACTED] [REDACTED] (Annexure C: TPOL.0002.0003.0414, TPOL.0002.0003.0415, TPOL.0002.0003.0416, TPOL.0002.0003.0417 and TPOL.0002.0003.0418);*
- d) *Intel report TAI2100027556, reported to Tasmania Police on 15 June 2021 (Item 25 of JCH-029); and*



- e) *Intel report TAI2200006777, reported to Tasmania Police on 13 February 2022 (Item 54 of JCH-029).*
2. In response to (a), this has been added to JCH-001 and can be located in line 40.
 3. In response to (b), this has been added to JCH-001 and can be located in line 44, noting Donald [REDACTED] was previously within the table under Walter [REDACTED] now line 61.
 4. In response to (c), these have been added to JCH-001 and each can be located:
 - a. [REDACTED] line 45 under Lester [REDACTED] and line 31 under Colin [REDACTED]
 - b. [REDACTED] line 46
 - c. [REDACTED] line 47 under Lester [REDACTED] line 57 under Walter [REDACTED]
 - d. [REDACTED] line 48, noting this was previously within the table after being reported on 12 April 2021, the date Jacqueline Allen notified Tasmania Police has also been added.
 5. In response to (d), this has been added to JCH-001 and can be located in line 49.
 6. In response to (e), this has been added to JCH-001 and can be located in line 51, noting this was previously within the table after being reported on 15 November 2021 through the National Redress Scheme, the additional notification reference from [REDACTED] from Communities Tasmania on 13 February 2022 has been added, TAI2200006777 and TAS2200006812.

Question 2

In relation to each report or communication referred to in paragraph 1(b) above, state whether this was the first time Tasmania Police received a report or communication in relation to some or all of the relevant allegations (see in particular paragraphs 39 to 54 of TPOL.0002.0003.0376) from the Department of Communities. If it was not, provide details of any earlier report(s) or communication(s).

7. From a review of our intelligence holdings, this was the first time Tasmania Police received a report regarding the allegations contained within TPOL.0002.0003.0376, specific to Donald [REDACTED]



Question 3

In relation to JCH-001, explain:

- a) the process by which the table was compiled, including the databases and other information sources that were searched or reviewed in order to identify relevant reports or communications with Tasmanian Police;*
- b) why the table omitted the reports and communications identified in paragraph 1 above (and any other reports and communications relating to Lester [REDACTED] as a result of your response to paragraph 4(a) below); and*
- c) how TAI2100052732 relates to Lester [REDACTED] who does not appear to be identified in the relevant report or communication.*

8. In response to (a), the table was compiled through the interrogations of:
 - a. ATLAS- a Tasmania Police intelligence system
 - b. Offence Reporting System (ORS)- a Tasmania Police system for the recording of crimes and/or offences
 - c. Online Charging (OLC)- a Tasmania Police system for the recording of those taken into custody, or to produce court files, both arrest and summons.
 - d. Institutional Child Abuse Spreadsheet, commenced in December 2020, to record notifications made to Tasmania Police relating to Institutional Child Abuse, this is maintained by my Staff Officer.
 - e. Royal Commission Spreadsheet, commenced in September 2013, recorded notifications made to Tasmania Police relating to the Royal Commission, this was maintained by the Staff Officer assigned to the Assistant Commissioner Operations portfolio. Note, that this spreadsheet was superseded by the Institutional Child Abuse Spreadsheet noted in (d).
9. It is important to note that the ability to search an individual is based on the accuracy of information provided in the beginning and the ability for Tasmania Police to correctly link that person to a report. A large proportion of reports relating to Ashley Youth Detention Centre, primarily Redress applications, have minimal information, with reports often only containing either a first name, surname, or a person's nickname. For example, reports may just contain [REDACTED] or 'Lester [REDACTED]



or [REDACTED]. Additionally, spelling of any individuals name can impact an entity being correctly linked. For example, Lester [REDACTED] has been reported to Tasmania Police utilising multiple different spellings, including Lester [REDACTED] and Leste [REDACTED]. Individuals may also be difficult to differentiate from information, for example Mr [REDACTED] may be [REDACTED] but also could mean [REDACTED], another worker at the facility. If these individuals are not identified correctly and linked to a report, the ability to identify them within a search is challenging.

10. In response to (b)

Document	Reason
Document listed in 1(a)	This was an unintentional oversight at the time when compiling the table, the document has, as highlighted previously been disclosed to the Commission. A further search against all AYDC staff listed in JCH-001 has been conducted, to ensure all relevant reports have been provided to the Commission.
Documents listed in 1(b)	Allegations made by Donald [REDACTED] were listed within the table under Walter [REDACTED] now line 61. The reason that the matter was not originally listed under Lester [REDACTED] was that on interview with Tasmania Police, Donald [REDACTED] outlined criminal offences committed by Walter [REDACTED] as such, Offence Report 653982 only referred to Walter [REDACTED]. Additionally, the table outlined that the reporting person was Redress, although the original report was from the Redress Scheme, the reporting person to Tasmania Police was Communities Tasmania, Jacqueline Allen. Both have now been updated.
Documents listed in 1(c)	The matter relating to [REDACTED] was recorded within the table, now lines 3 and 48 after it was referred to Tasmania Police by [REDACTED] of Communities Tasmania on 12 April 2021. The notifications from Jacqueline Allen were not recorded in any system interrogated as outlined in 8(a). All were recorded within TRIM and allocated to Northern CIB for review. Child



	Safety Reports have since been generated to ensure appropriate recording of the matters.
Document listed in 1(d)	This was an unintentional oversight at the time when compiling table JCH-001. As highlighted by the Commission, this matter was listed within JCH-029.
Documents listed in 1(e)	This matter was listed within the table after being reported on 15 November 2021 through the National Redress Scheme, line 51, the additional notification reference from [REDACTED] from Communities Tasmania on 13 February 2022 has been added, TAI2200006777 and TAS2200006812.

11. In response to (c), from enquiries, it appears that Lester [REDACTED] has been added in error to the intelligence submission, as a result of this, when the systems were interrogated for this statement, his name was identified against the report. This line has been crossed out as an error within JCH-001 and updated within ATLAS.

Question 4

Update the table in JCH-001 as follows:

- a) include the reports and communications identified in paragraph 1 above and any other reports and communications relating to Lester [REDACTED] that are identified as a result of further enquiries (including any further enquiries in relation to paragraph 2 above);**
- b) in respect of each report and communication referred to in the updated table that nominates Tasmania Police as the reporting agency without further information (for example, Tasmania Police Reference OR 540910 and OR 566461 in relation to Walter [REDACTED]), provide further details in relation to the source of these reports and communications;**
- c) in respect of each report and communication referred to in the updated table, state:**
 - i. whether the report or communication was an ORS or an OLC, or selected as "Presents a risk to vulnerable people" via a checkbox, that would have triggered a notification to the Department of Justice;**



- ii. whether the report or communication was a Child Safety Occurrence that was shared via an electronic process with Child and Family Services;*
- iii. the date on which each notification referred to in paragraph 4(c)(i) and (ii) above was made;*
- iv. any other reports made to the Child Safety Services, the Registrar under the Registration to Work with Vulnerable People Act 2013 (Tas), the Department of Communities or Ashley Youth Detention Centre (as previously requested in paragraph 1(b)(i) of RFS-POL-005); and*
- v. whether you now consider that the response by Tasmania Police was appropriate in each instance. If not, why not? (As previously requested in paragraph 1(c) of RFS-POL-005).*

12. In response to (a), items referenced above have been inserted into JCH-001, refer to question 1 for line numbers. In addition to those highlighted, a subsequent search has also located eight (8) additional reports, noting, they are not solely attributed to **Lester** :

- a. Line 11- Crimestoppers report from Alysha **██████████** relating to being assaulted by **Maude** **██████████** (JCH-034)
- b. Line 12- Offence Report 542592 relating to offending by **Arnold** **██████████** against **██████████** and **Ned** **██████████** (JCH-035)
- c. Line 18- Intelligence Submission relating to offending by **██████████** **Clyde** **██████████** and **Walter** **██████████** (JCH-036)
- d. Line 33- Intelligence Submission relating to offending by **Colin** **██████████** against **██████████** (JCH-037)
- e. Line 53- Intelligence Submission relating to offending by **Lester** **██████████** against **██████████** (JCH-038)
- f. Line 65- Civil claim notification originally against **Lionel** **██████████** / **██████████**, then **Walter** **██████████** later identified, victim-survivor is **██████████** (JCH-039)
- g. Line 68- Civil claim notification against **Lionel** **██████████** and **██████████**, victim-survivor is **██████████** (JCH-040).

13. In response to (b), the column titled 'Reported by' has been updated to ensure a name, if available is assigned to each matter.



14. In response to (c), the following columns have been added to JCH-001 which will guide the types of notifications and the date in which they occurred, the column titles are:
- a. Listed as 'presents a risk to vulnerable people' within ATLAS, including date added;
 - b. Notification through ORS or OLC, including date added; and
 - c. Child Safety Occurrence created- RE: Automatic Notification for Child Safety Services, including date added.
15. In response to part c(v), as highlighted in my previous statement TPOL.0005.0001.0001, for any criminal proceeding to be progressed, a prima facie case is required before Tasmania Police can put a person before the court. As such, if a victim-survivor does not wish to cooperate in a criminal investigation, this does present significant challenges to the investigation without corroborating evidence. This is particularly evident in Redress applications, as these reports form the basis for assistance / compensation by victim-survivors to the Scheme, they are only provided to Tasmania Police if they meet a certain criterion. As can be observed in JCH-029, most of the reporting relating to Ashley Youth Detention Centre is via the National Redress Scheme and civil claims, with a significant proportion de-identified. Tasmania Police understands that some victims do not want police involvement and we respect the wishes of those victims. We do however reach out to victim-survivors through, their lawyers, victim support groups and the Commission of Inquiry (noting this is not an exhaustive list), as Tasmania Police understands that with some victim-survivors, a direct approach by police in person can cause additional harm and we do not want this to occur.
16. On review, I do accept that our notifications to external agencies relating to Ashley Youth Detention Centre staff have been deficient at times. This has been a result of incomplete, minimal data, or a failure on our behalf to validate information with the Department of Communities on entities identified within reports. To expand on this, incomplete and minimal data relates primarily to Redress and civil claims, where information at times can be limited for example to a surname only, i.e., [REDACTED] [REDACTED] Ira [REDACTED] Lester [REDACTED]. Without prior knowledge of the individual, these individuals may not be correctly linked with the occurrence within ATLAS which results in no automatic notification being made to either Communities or Working



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with Vulnerable People. As a result, Tasmania Police has commenced a review of matters relating to Ashley Youth Detention Centre to ensure the correct entity is linked to each matter.

Conclusion

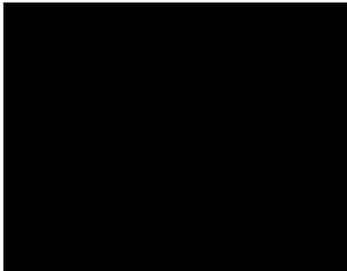
17. I am available to assist the Commission of Inquiry as required.

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

Declared at 47 Liverpool Street, Hobart on 23 August 2022



Jonathan Craig Higgins
Assistant Commissioner
Before me



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Commissioner of Oaths