

## EXCLUSIVE

By Michael O'Farrell

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HARROWING video evidence has emerged in the case of a vulnerable child who was left living with an abusive stepfather by child protection authorities.

Details of the shocking child protection failure are outlined in a new historical case review by child protection agency Tusla obtained by the Irish Mail on Sunday.

Despite the emergence of a video from 1986, in which the then ten-year-old victim gives a contemporaneous account of being abused, the DPP has declined to prosecute.

The video was made by doctors at the Rotunda's Sexual Assault Treatment Unit (SATU) when the victim was assessed after running away from home to seek help.

At the time, child sexual abuse experts concluded the child had 'quite definitively' been 'extremely sexually abused by her adoptive father over a period of 2/3 years'.

But a 1986/87 investigation by gardaí failed to obtain the video and at the time the DPP concluded there was not enough evidence to seek a prosecution.

The video was only discovered by the victim in 2020 after she asked the Rotunda for it. She then provided it to a fresh cold-case Garda investigation.

Astonishingly, the video had remained undiscovered and forgotten about for nearly 35 years by all those responsible for the victim's case until she found it herself.

'That's what victims have to do,' the survivor told the MoS. 'They don't come and say; "here's your files". You have to fight for them. If I hadn't done that I'd still be none the wiser.'

When the video was provided to the new Garda investigation in 2020, detectives

**'The DPP office has a lot of things to answer for'**

viewed it as a significant evidential breakthrough.

To have credible, contemporaneous testimony from the past available in this fashion is almost unprecedented.

But in 2021 the DPP informed the victim it could still not go to trial.

The DPP said this was due to legal difficulties in a situation where the DPP had previously decided not to prosecute and because 'no new significant evidence had come to light'.

However, this is flatly contradicted by investigating gardaí who had been confident the video was a vital breakthrough.

After the 2021 decision not to prosecute, the superintendent in charge of the investigation team confirmed in writing that the file sent to the DPP by his team had included the newly obtained video.

'This investigation file included a video recording and notes taken by HSE social workers,' he told the victim.

He also confirmed the 'video and notes had not been included in the original investigation file in 1986/87'.

Last night the victim of the abuse, to whom Tusla have given the pseudonym 'Karen', questioned why the DPP and gardaí are saying two different things.

She said: 'They are all contradicting each other. I think the DPP's office have a lot of things to answer for in relation to the low rate of prosecution for these kinds of crimes in our country.'

She also criticised the child protection workers who failed to protect her and left vital evidence gathering dust for decades.

'Every social worker involved with me got a promotion,' she pointed out.

The failures of the child protection authorities in Karen's case are outlined in a historical case review by Tusla.

The January 2022 report shows how Karen was left living at home with her abusing parent for nearly two years after she first disclosed being abused.

The confidential report also confirms five other children were left living in the home after Karen was removed.

Tusla's report into these failures is one of 13 such reviews that have been completed by the agency's Practice Assurance and Service

Monitoring (PASM) team in recent years. The report confirms Karen first reported being abused by a

neighbour in 1984 when she was nine. This abuse was reported to gardaí and the neighbour was pros-

ecuted and fined £75 under the laws in place at the time.

Despite the prosecution, child

protection authorities never became aware of the Garda case and no help was offered to Karen.

An official review admits major childcare failings, as a haunting tape and report from the past are uncovered, but still the DPP won't prosecute the stepfather who molested this girl. Here, she demands to know...

# WHAT DOES A VICTIM HAVE TO DO TO BRING HER ABUSER TO JUSTICE?

## HARROWING VIDEO OF CHILD

THE little girl in the black and white video appears almost removed from herself as she details what her stepfather did to her.

But her awful story is clearly told and utterly believable as she describes how she was repeatedly abused at home.

'Did your mum ever know this was happening?' a female psychiatrist gently asks.

The professional, a member of staff at the Rotunda's Sexual Assault Treatment Unit, is using dolls as an aid to help Karen explain things no child should have words for.

'I told her two or three times,' Karen says of her mum. 'I told her once first. And then I told a

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relative and all my aunts. And then I told them again.'

'Good girl,' the doctor reassures Karen. 'If you keep telling you'll get there.' 'Yeah,' shrugs Karen, her elbow on the table, hand tucked under her chin.

'It's hard that we have to tell so often, isn't it,' the therapist adds. Today, Karen is 48 and in the absence of justice she is still trying to tell her story.

Many of the details are simply too horrific to print.

As well as being abused by her stepfather, Karen was also

abused by a neighbour who asked her to watch a baby for a while.

'I went in and he made tea and cake and he asked me to cut the cake and I brought in the wrong knife and he lifted me back out and he said he'd throw me in the bath but he took me into the bedroom instead,' she says when asked to explain what the neighbour did.

'Was he cross with you or was he playing?' the therapist asks.

'He was playing,' Karen answers. 'He put me lying down in the bed facing him and he got down on top of me and he pulled down my pants,' she says before detailing the precise abuse. 'He was doing that for a few

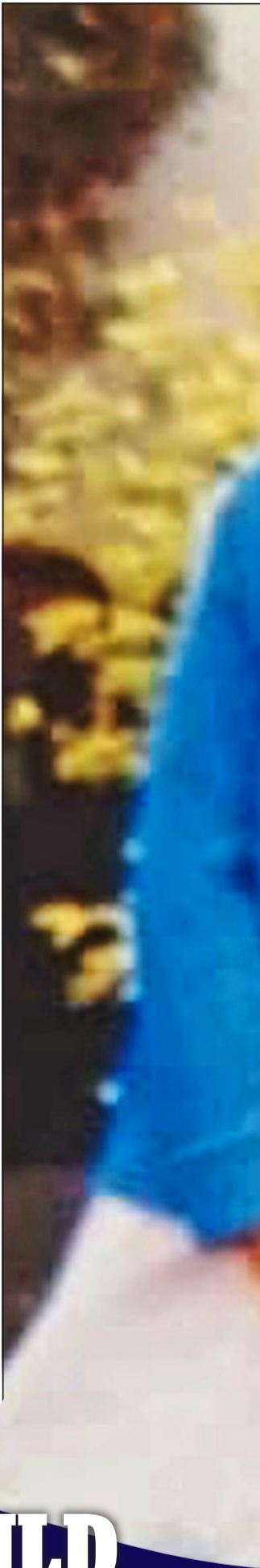
minutes and kissing me and everything and then he let me up and he told me not to tell anybody.'

But Karen did tell and the man was prosecuted. After the prosecution, her stepfather left her alone for a while. Inevitably, the abuse recommenced.

'I was out in the kitchen one night making tea and mammy was in the sitting room and he had the door closed and he started with the fingers again and then it got back to what the next door neighbour did.'

Much of the recording is difficult to listen to.

In one segment the girl describes how her abuser forced himself on her orally.







# Karen has tried to tell her story for over 40 years

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KAREN has been trying to tell her story for four decades.

She's been trying to do so since she was a short-haired little girl who kept running away from home.

The authorities believe her. There is no question of that.

Child protection agency, Tusla, has this year confirmed in a confidential case review that she was failed as a child by those who should have protected her.

When she sued the HSE for these failures, they settled, knowing her story was true.

Child sexual abuse experts at the Rotunda Hospital, who first examined her as a ten-year-old, concluded 'quite definitively' that Karen had been 'extremely sexually abused' by her stepfather.

The Garda detectives who first investigated her case in 1986 believed her as well – but back then society had not yet confronted these evils and the DPP decided not to prosecute due to 'insufficient evidence'.

The cold case team who reopened the case at her behest a couple of years ago also believed Karen.

They even travelled to take a statement from her in the UK, where she now lives, before completing a new file for the DPP to reconsider.

Perhaps, even the lawyers at the office of the DPP believe her – though in 2021 they concluded that a prosecution would not succeed.

'I would like to emphasise that it is not a question of belief,' the deputy chief prosecutor, Catherine Pierse, wrote to Karen. One problem, it

seems, is 'a line of case law' that makes it unlikely the DPP can prosecute successfully in 'circumstances where it had previously directed no prosecution'.

Another issue, according to the DPP, was that 'no new significant evidence had come to light' since the original investigation in 1986.

But something has come to light that was not part of the original DPP's assessment and this questions the DPP's assertion that there is no new evidence.

In 2020 Karen uncovered the 1986 video in which she told her story to a trained child abuse expert at the Rotunda Hospital sexual abuse unit.

Karen has a letter from the superintendent in charge of the investigation confirming that the recent file that was sent to the DPP included this video. She also has notes from social workers dealing with the case at the time.

The superintendent wrote: 'This recording and the notes were not included in the original investigation file in 1986/87.'

He added he was unable to say why this material had not been included in the original 1980s investigation file that gardaí sent to the DPP.

Now Karen wants to know why the DPP is telling her there is no new significant evidence when cold case gardaí told her the video was vital new proof.

ongoing abuse to her mother in 1985.

After the family GP was consulted, Karen was temporarily sent to a local hospital.

The case files record the GP as saying: 'It would be best to admit her for a few days in order to relieve the situation at home.'

According to Tusla's review, this hospital stay was 'short term' and 'there was no evidence of a medical report in the case notes'.

Afterwards, Karen was 'discharged home and referred to a local Child Guidance Clinic.'

This was the equivalent of what is today known as a Child and Adolescence Mental Health Service (CAMHS).

But it appears the clinic did little to protect Karen, who was then subjected to further ongoing abuse when she was returned home.

This represents a second missed opportunity to protect Karen from further abuse at home.

The following year in 1996, when she was aged just ten, Karen made the last of several attempts to run away from home. She banged on the door of a country house in the rain and in the middle of the night to ask for help.

This time gardaí were notified about the abuse at home and Karen went to live temporarily with an elderly relative.

A file was prepared for the DPP. But in November 1986 the DPP

## 'There was no reference to a case conference'

decided against a prosecution. Evidence in the case file included the notes from Karen's attendance at the Rotunda's Sexual Assault Treatment Unit.

The files included details of medical examinations and clinical therapy undertaken which 'validated' Karen's disclosure of abuse.

But, crucially, they did not include the video of Karen's direct testimony.

The specialised doctors at the Rotunda unit concluded 'quite definitively that Karen has been extremely sexually abused by her adoptive father over a period of 2/3 years'.

The Rotunda's experts also noted 'Karen had developed 'bed wetting' and other associated issues (such as anxiety) relating to her alleged abuse and her experiences leading up to her admission into care'.

According to Tusla's review, the SATU clinic 'expressed concern about the safety of her half-siblings who remained in the family home.'

Tusla's PASM review 'could not find any consideration of the safeguarding arrangements for Karen's half-siblings, who appear to have remained in the family home'.

Instead, the review found only 'limited evidence of compliance' with child protection guidelines on the part of the health boards.

Tusla's review reads: 'There was no reference to a case conference in the case file records reviewed.'

'Karen's half-siblings appear to have remained in the family home, however, the safeguarding measures in this regard cannot be determined from the case file records we received.'

After running away and making her third disclosure, Karen was placed into a foster home and later moved to a residential institution in Dublin.

In its recent review, Tusla was unable to find evidence of what, if anything, the child protection authorities did to safeguard Karen and her siblings at the time.

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## COMMENT OVERLEAF

# TELLING OF ABUSE AT HOME

**SPEAKING OUT:** Victim 'Karen' as a young girl

She also speaks of being threatened by her stepfather. 'When it started he said something awful would happen to me if I told anybody,' she says.

'Then when I told my mother when I came back from holidays, he told me that the marriage would break up and all the kids would be put into homes and everything. He got me that evening to tell her it was all a lie. 'So did you say to your mum then that it was a lie?' The psychiatrist asks.

'Yeah I did.' 'That was hard on you, wasn't it? How old were you then?'

'Ten,' Karen answers. She also speaks of

being forced into abusive acts. 'When I didn't want to do it, he kind of forced me to do it.'

'Did you ever ask him to stop?' She is asked.

'Yeah and I told him I didn't want to do it and he said it would help me to stop wetting the bed but I kind of wet the bed more then.'

At some point Karen's stepfather began rewarding her.

'When he did it he used to give me a pound for myself but I only figured out now that was for doing that,' she says.

'When I started saying no then he'd force me to do it and he'd give me the money afterwards.'

She is then asked: 'What's the worst thing about it all for you,

what's the thing that upset you most about it?'

'I don't know really,' Karen answers.

'Did you feel any different to everybody else?'

'Yeah,' she responds. 'But I didn't know if it was happening to everybody else, but I don't think it was. I always heard of stepfathers doing it, but I've never heard of fathers doing it to a child.'

'Then it really hit me when he said he wasn't really my father. It just all fit together.'

'You felt then that he was using you – which you didn't really feel until then?' the doctor asks.

'No I didn't – I thought it was for my own benefit.'

Tusla's review confirms: 'The Midland Health Board and Longford Westmeath Community Care

Area (CCA) was not involved and there was no record of therapeutic intervention with Karen.' This rep-

resented a missed opportunity to discover Karen had also been abused by her stepfather, a mem-

ber of the Defence Forces, since she was eight.

Karen eventually disclosed this