

4947

# page 2 - Kellie Moses dob

85

#### 1. Conclusions

The assessment by testing and clinical interview has gathered considerable information on Mr Kellie's state of mind currently and at the time of the incident now before the court. On the basis of the results, the research and the background the following can be stated:

- Mr Kellie's day-to-day functioning is being impaired by posttraumatic stress disorder (PTSD), depression and anxiety at clinically significant levels. The impairment due to PTSD is likely to have existed since childhood when he witnessed many killings during the Sierra Leone civil war and had to bury people who died in the refugee camp in Ghana. Depression and anxiety are likely to have set in with succeeding life downturns including his inability to find employment in Australia and being refused unemployment benefits.
- The symptoms of the diagnosed disorders have the following ongoing effects on Mr Kellie's functioning:
  - Depression and anxiety cause sadness, marked loss of interest and pleasure in life, decrease in appetite, insomnia, agitation, fatigue, feelings of worthlessness, and cognitive impairments including (a) difficulties in concentration, memory, problem-solving and decision making, (b) confused thinking and (c) impulsivity. See research note (i) for amplification.
  - PTSD worsens these impairments and further debilitates the individual by bringing to mind intrusive distressing recollections of the traumatic event, causing efforts to avoid thoughts and feelings of the trauma and creating a state of overt and anxious alertness of the feared object. See research note (ii). and creating a state of overt and anxious alertness of the feared object. See the feared object. See research note (ii) for amplification.
- These impairments markedly diminish the individual's ability to formulate reasoned judgments. PTSD and depression are frequently associated with violent behaviour.
- Mr Kellie has been assessed at a borderline level of IQ. This level is characterised by significantly below-average general intellectual functioning existing concurrently with related limitations in two or more of adaptive skills areas such as communication and social skills. Behaviours may reflect poor attention and concentration, slowness in responding, general disorganisation, low frustration tolerance, mood swings, anger, poor common sense, and naïveté. Lowered self-esteem usually results. This is the lowest level of intelligence at which an individual may function independently ie without the need for carer assistance.
- Mr Kellie's actions which led to offending indicated markedly diminished capacity for judgment because there appeared to be little thought given to the consequences. Impaired judgment is also shown by not persevering with attempts to improve his life eg seeking to locate charities.



85

- 1. Conclusions continued
  - Mr Kellie has taken the opportunity to reflect on the incident and the consequences of causal actions. He was sorry that the incident occurred and the distress it created.
  - Mr Kellie's disorders need treatment to address the symptoms, relieve distress and to enable positive outcomes in the future. Treatment should help safeguard against the manifestation of behaviour that may lead to offending. The treatment plan is presented in Attachment A. The rationale of the method underlying the treatment plan is outlined in Attachment B.
  - Mr Kellie has been advised to contact the Transcultural Mental Health Centre on release. The Centre arranges psychological treatment for newcomers including those who were refugees and had been victims of civil war.
  - Completion of treatment and continuation of support by significant others should ameliorate the disorders and markedly reduce the probability that Mr Kellie re-offends.

Gac

DR JOHN JACMON, OAM REGISTERED PSYCHOLOGIST

# page 4 - Kellie Moses dob

# 2. Date and purpose of consultation

The assessment was held on 7 November 10 at the MRRC. Mr Kellie was informed that the purpose of the assessment was to provide a report on his psychological condition to his legal representative for submission to the court. Throughout the assessment Mr Kellie had difficulty in maintaining linearity particularly as he described distressing incidents in his life as a war refugee.

85

## 3. Background as related by client

Mr Kellie was born in Freetown, Sierra Leone. He has three older sisters. He grew up during the civil war which began in 1991 and ended in 2002. He related frequently witnessing people being killed and maimed by the rebels as they swept through the town every few days and attacked the defenceless population. He saw many dead bodies on the streets. Mr Kellie recalled the fears his family held for their safety at the sight of the approaching rebels.

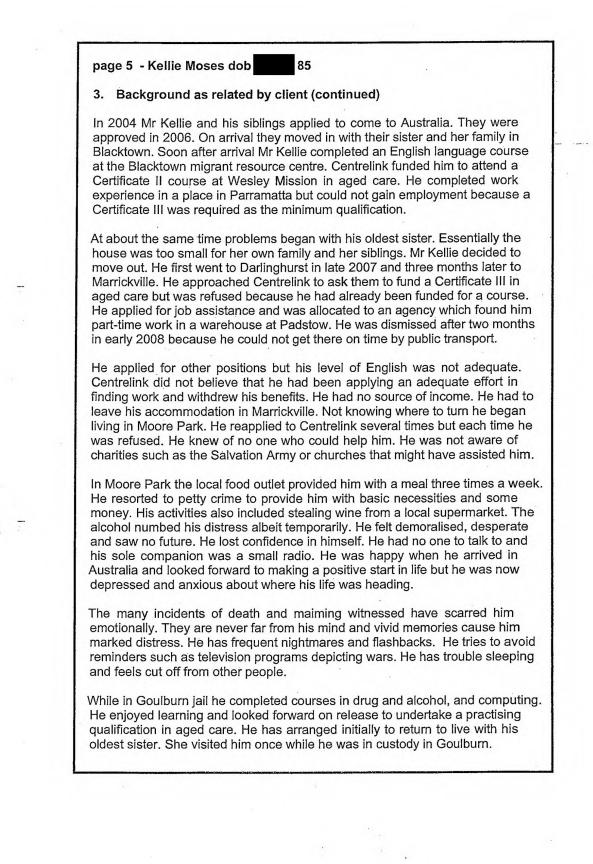
His father went away to fight in the war leaving the mother to bring up the children on her own. He learnt later that his father was killed in 1999. He was 50 years old.

In 1995 the mother took the children to Guinea where refugee camps were set up to cater for the people of Sierra Leone who were able to reach them. The children reached the camp first. Mr Kellie learnt from other refugees that his mother who was some distance behild the children, was killed by the rebels. They often attacked people fleeing to the refugee camps in nearby countries.

Mr Kellie and the two younger sisters remained in the camp for about 11 years until they were granted refugee status and allowed to migrate to Australia. The oldest sister who was married left in 2004 for Australia with her family. After some time in Tasmania they moved to Sydney and settled in Blacktown.

In the camp the conditions were primitive. There was not enough drinking water and much of it was polluted. The water shortage prevented refugees from bathing. There was no sewerage. There were many deaths due to water-borne and other diseases. Mr Kellie helped bury many of the dead. The inhabitants received rations of corn flour and oil from the UN. There were no meat or vegetables. The corn flour was cooked with oil and eaten. Crime in the camp mainly consisted of thefts of food and families had to be vigilant to ensure that their supplies were not stolen.

During the day people sat around the camp with little to occupy themselves. There was no work. They could not leave the camp which was guarded by armed troops. In any case if they did leave they would run the risk of being killed by the rebels who were frequently roaming the countryside. Mr Kellie was able to continue with his schooling in the camp. He had begun school in Freetown and attended whenever the rebels were not around. In the camp he completed the equivalent of Year 5.



## page 6 - Kellie Moses dob

85

Mr Kellie was advised during the assessment that a treatment plan addressing diagnosed disorders would be prepared as part of the report for the court.

# 4. Assessment process

Mr Kellie's presentation and background revealed the probability of anxiety, depression and posttraumatic stress disorder. His IQ appeared to be at a low level. He was assessed by clinical interview and by psychological tests.

# 5. Psychometric assessment

Mr Kellie's current disorders and IQ level were assessed by the following tests.

# (i) Posttraumatic Stress Diagnostic Scale (PDS)

The scale provides measures of the severity of posttraumatic stress symptoms and functional impairment. Mr Kellie's background indicated significant experiences of traumatic events in his formative years during the civil war and also in the refugee camp. To assess the extent of resultant trauma Mr Kellie completed the PDS with these events in mind. Mr Kellie's scores indicated severe posttraumatic stress symptoms and severe impairment of functioning.

#### (ii) The Depression, Anxiety, and Stress Scales (DASS)

The DASS measures symptoms of depression, anxiety, and stress and their effects on behaviour. Mr Kellie's results indicate clinically significant levels of anxiety, stress and depression.

#### (iv) Cognitive assessment - Raven's Progressive Matrices

The test is a nonverbal assessment of intelligence. Because these scales minimise the impact of language skills and cultural bias, they are used to measure the intelligence of individuals with reading problems or hearing impairment, as well as those whose native language is not English. The test measures two complementary components of general intelligence: the capacity to think clearly and make sense of complex data (eductive ability); and the capacity to store and reproduce information (reproductive ability). Items ask the examinee to identify the missing component in a series of figural patterns.

This level of intelligence is characterised by significantly below-average general intellectual functioning existing concurrently with related limitations in two or more of adaptive skills areas such as communication, self-care, home living, social skills, self-direction, health and safety, functional academics, leisure, and work. Behaviours may reflect poor attention and concentration, slowness in responding, tendencies to forgo task behaviour, general disorganisation, predilection for concrete activities, over-activity or passivity, low frustration tolerance, mood swings, fearfulness, dysphoria, anger, poor common sense, and naïveté. Lowered self-esteem usually results.

# page 7 - Kellie Moses dob

85

## 6. Clinical assessment

The tests and the background indicated posttraumatic stress disorder (PTSD), depression and anxiety. Mr Kellie was clinically assessed for these conditions on the basis of DSMIV (Diagnostic and Statistical Manual of Mental Disorders (Fourth Edition)) criteria.

## (a) Disorders at the present time

Mr Kellie's description of day-to-day functioning at the present time led to the identification of the following symptoms, classified in terms of DSMIV criteria:

#### (i) Posttraumatic stress disorder (PTSD)

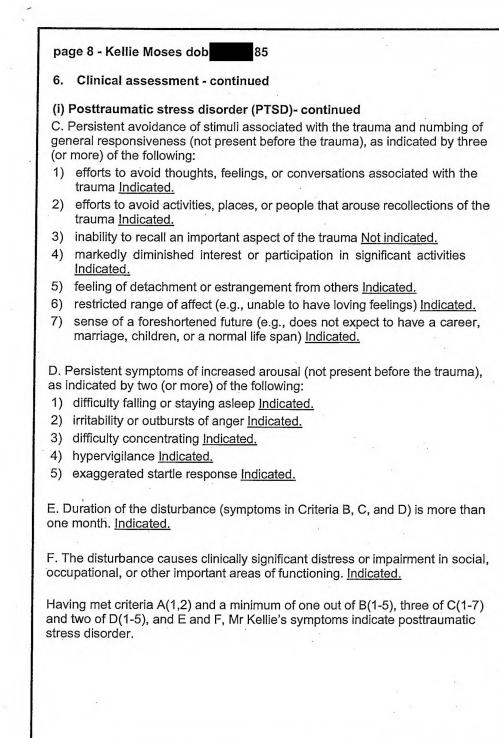
In relation to the incident which Mr Kellie experienced the following criteria emerged:

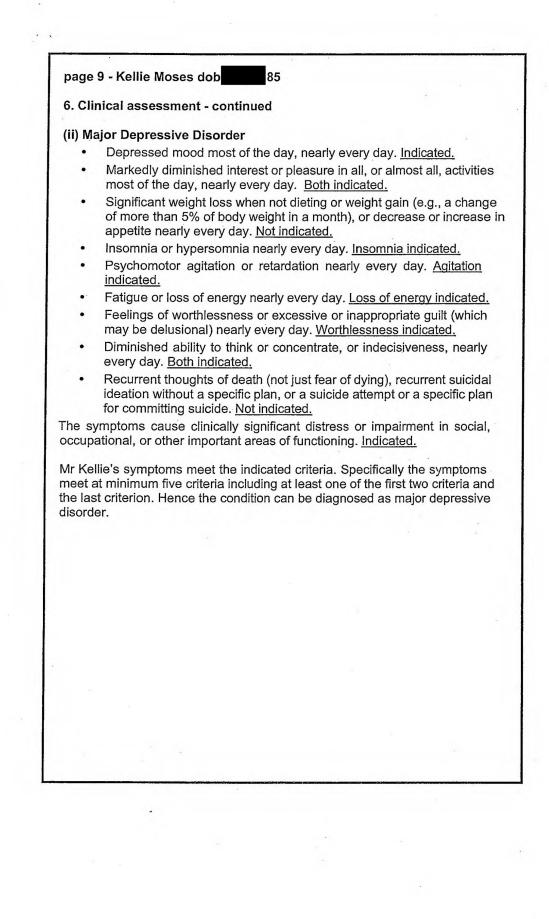
A (1) the person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others. <u>Indicated.</u>

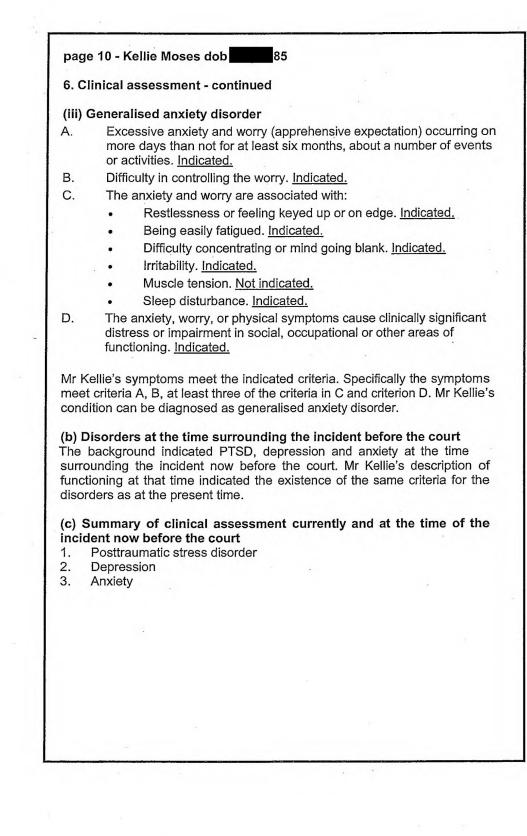
A (2) the person's response involved intense fear, helplessness, or horror. Indicated.

B. The traumatic event is persistently reexperienced in one (or more) of the following ways:

- 1) recurrent and intrusive distressing recollections of the event, including images, thoughts, or perceptions. <u>Indicated.</u>
- 2) recurrent distressing dreams of the event. Indicated.
- acting or feeling as if the traumatic event were recurring (includes a sense of reliving the experience, illusions, hallucinations, and dissociative flashback episodes, including those that occur upon awakening or when intoxicated). <u>Indicated.</u>
- 4) intense psychological distress at exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event. <u>Indicated.</u>
- 5) physiological reactivity on exposure to internal or external cues that symbolize or resemble an aspect of the traumatic event. <u>Indicated.</u>







#### page 11 - Kellie Moses dob

85

# 7. Research note (i): The effect of depression and anxiety on cognitive functioning

Several symptoms of depression and anxiety directly impinge on the capacity to make reasoned judgements. The most pervasive include (i) difficulties in concentration, memory, problem-solving and decision making, (ii) confused thinking and (iii) impulsivity. They affect practically every part of a person's life. The intrusiveness of depressed mood acts against the ability to think and interpret situations realistically. Sleep disturbances, which work against the individual's capacity to rest and recuperate, add an element of fatigue to functioning and worsen the already existing cognitive difficulties. Changes in appetite (especially loss) can slow brain functioning further and are also detrimental to concentration and cause greater difficulty in decision-making.

There is little energy for other than essential activities. Isolation and withdrawal from enjoyable activities markedly reduce opportunities to relax and rise above the distress, even temporarily. Anxiety adds the intrusiveness of a gnawing constant worry into thinking and causes more distress. Anxiety also sometimes causes rumination over worries and symptoms which further worsens concentration. Sometimes, anxiety can occur suddenly and very intensely and can prevent the person from focusing on anything except the situation that is making them anxious. This can prevent them from thinking clearly about their actions. There is impulsivity including in areas of high negative consequences, irritability and at times violence, mood swings and perceived worthlessness, hopelessness, and personal failure. Often the symptoms include suicidal ideation and with worsening depression the likelihood of self-harm increases.

Seeking relief from the debilitating nature of these symptoms often drives individuals to alcohol, gambling or drugs. They escape reality albeit temporarily. People with anxiety in particular are more likely to form addictive habits in an attempt to distract themselves. The short relief that these activities may bring tends to exacerbate the symptoms when their influence wanes.

Cognitive impairments caused by depression and anxiety linger even when the symptoms of these disorders are no longer present. Research has found that concentration, learning, and memory deficits remained for at least three years in patients that had recovered from these disorders (Airaksinen et al., 2004).

#### Sources

Airaksinen, E., Larsson, M., Lundberg, I., Forsell, Y. 2004, 'Cognitive functions in depressive disorders: Evidence from a population-based study', *Psychological Medicine*, vol. 34(1), pp. 83-91. Retrieved from <u>http://diss.kib.ki.se/2006/91-7140-954-8/thesis.pdf</u>

Austin, M.P., Mitchell, P. Goodwin, G.M. 2001, 'Cognitive deficits in depression', *British Journal of Psychiatry*, vol. 178, pp. 200-206. Retrieved from <u>http://bip.rcpsych.org/cgi/reprint/178/3/200.pdf</u>

Westermeyer, R. 1995, 'The cognitive model of anxiety'. <u>Retrieved from</u> <u>http://www.habitsmart.com/anx.html</u>

#### page 12 - Kellie Moses dob

#### 7. Research note (ii) : Posttraumatic Stress Disorder (PTSD)

The risk of exposure to trauma has been a part of the human condition since the evolution of humanity as a species. Attacks by saber tooth tigers or twentyfirst century terrorists have probably produced similar psychological sequelae in the survivors of such violence. Post-traumatic stress disorder (PTSD) develops after a terrifying ordeal that involved physical harm or the threat of physical harm. The person who develops PTSD may have been the one who was harmed, the harm may have happened to a loved one, or the person may have witnessed a harmful event that happened to loved ones or strangers.

85

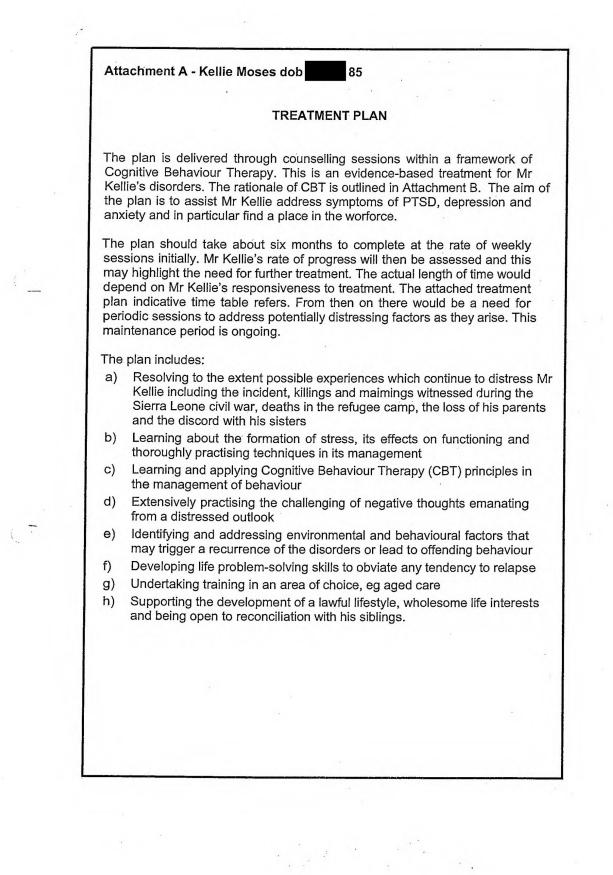
PTSD first came to attention in relation to war veterans, but it can result from a variety of traumatic incidents, such as mugging, rape, torture, being kidnapped or held captive, child abuse, motor vehicle accidents (MVAs), train wrecks, plane crashes, bombings, or natural disasters such as floods or earthquakes. MVAs are considered the leading cause of PTSD in the general population.

People with PTSD may startle easily, become emotionally numb (especially in relation to people with whom they used to be close), lose interest in things they used to enjoy, have trouble feeling affectionate, be irritable, become more aggressive, or even violent. Concentration and judgment suffer. Thinking becomes confused. They avoid situations that remind them of the original incident. Anniversaries of the incident are often very difficult. PTSD symptoms seem to be worse if the event that triggered them was deliberately initiated by another person, as in a mugging or a kidnapping. Most people with PTSD repeatedly relive the trauma in their thoughts during the day and in nightmares and night terrors when they sleep. Reliving a trauma is called a flashback. Flashbacks may consist of images, sounds, smells, or feelings, and are often triggered by ordinary occurrences, such as a door slamming or a car backfiring on the street. A person having a flashback may lose touch with reality and believe that the traumatic incident is happening all over again. The symptoms of PTSD can be frightening and are a cause of great distress.

A key distressing PTSD symptom concerns blocking out or dissociating aspects of the event. The event itself is not forgotten. For example a victim may block out an attacker's face or the weapon of an armed assailant.

PTSD has been described as a particularly sad disorder because it affects the entire functioning of an individual and the resultant debilitation can be lifelong. Many victims of the Holocaust, prisoners of war and war veterans continue to have PTSD. Individuals are often driven to drugs, alcohol or gambling as a temporary means of relief from the distress. When the relief that these activities bring comes to an end, the return to reality can be significantly demoralising. Unless PTSD is treated the distress can intensify to the extent that the individual is no longer able to function effectively. At this stage suicide increasingly becomes an attractive option.

Source: the National Mental Institutes of Health, USA. <u>http://www.nimh.nih.gov/publicat/anxiety.cfm#anx4</u>)



# Attachment A continued - Kellie Moses dob

# TREATMENT PLAN INDICATIVE TIMETABLE

85

Treatment should be provided by a psychologist over up to twelve hourly sessions spanning the next six months. The outcomes are focused on the application of cognitive behavioural skills on day-to-day functioning. Medicare rebates normally apply.

The following sessions are considered to be sufficient to enable the delivery of the treatment plan. The dates will be set for the sessions at the commencement of the plan. The timetable may be varied depending on the individual's capacity to understand and practice the concepts involved in the plan:

Session No	Plan component
1.	component a
2.	component b
3.	component c
4.	component c
5.	component d
6.	component d
7	component d
8.	component e
9.	component e
10.	component f
11.	component g
12.	component g,h

Following the end of the treatment program Mr Kellie should be advised to return for maintenance sessions as events occur which cause undue distress.

Attachment B - Kellie Moses dob

# APPROACH UNDERLYING THE TREATMENT PLAN

85

The attachment outlines the approach to the treatment plan in the previous attachment.

# Type of treatment

Cognitive behavioural therapy (CBT) is a treatment of choice for psychological disorders. Treatment consists of cognitive restructuring, namely correcting faulty thinking by repeatedly confronting the individual with logical information through discussion, role-playing and behavioural homework assignments. Treatment includes focusing on the future and discussing career and life issues as they arise. Approaches used in treatment are essentially skills training in the application of logic to the management of mood and behaviour.

# Principles learnt

Treatment begins with learning the key CBT principle that thoughts lead to mood and behaviour, namely that psychological disturbance arises because of thoughts about different life events which are found distressing. This is followed by learning the principle that there are different ways of looking at life events. Currently distressing events are analysed and are interpreted in less distressing ways. Treatment continues with discussion of Socratic questioning and Aristotelian principles, and their relevance to day-to-day functioning.

In this way the role of logical thinking over mood and behaviour is strengthened and impairments in judgment are addressed. In subsequent treatment sessions, instances of impaired judgment occurring since the previous session or earlier, are analysed and used to strengthen logical processes. This process continues until it is clear that the principles have been incorporated into day-to-day functioning.

# **Progression of treatment**

Treatment begins with an exploration of life events that have led to the current distress. This takes from one to about four sessions. The next phase, the teaching of principles, normally takes up to five sessions. From then, as soon as practicable, sessions are held fortnightly and later monthly. This frequency is normally sufficient to monitor progress in the application of principles to day-to-day functioning. The progression is in harmony with Medicare arrangements which fund rebates for a maximum of 12 sessions a year. Should there be a relapse, session frequency may be changed to weekly in order to restore progress. The treatment is extended by additional periods for monitoring.

#### The effects of interruption

As with any skills training, interruption is likely to cause a reversal in progress and negate much of the success gained in applying logical thinking to managing mood and behaviour. Any vulnerability to act without thinking of consequences is likely to increase.

RESUME - JOHN JACMON REGISTERED PSYCHOLOGIST NSW		
Phone: (02) Address:	<b>_S</b> hn Jacmon, OAM Fax (02)	
email	webpage y	www.consultantpsychologist.com
AWARD Medal of the Order of	f Australia for services to the com	munity and veterans.
(Psychology: researc (Psychology), Hons I	torate in Clinical Psychology in the into reinforcement theory). M E	the treatment of depression), MEd d Admin (Administration), Hons BSc s, Statistical Maths), BEd (Maths & ertificate in Computer Studies.
Language skills: read	l, write and speak Greek.	
Registered Psycholog Accredited counsellor		College of Counselling Psychologists Regulation Agency rals Department NSW
PUBLISHED RESEA Jacmon, J., Malouff, C Cognitive Behavior Th Applied Psychology, V	J. & Taylor,N. (2009). 'Treatment herapy with an Internet Course as	of Major Depression: Effectiveness of a Central Component', <i>e-journal of</i>
Clinical and counsellin depression, grief, stre	stered Psychologist in private ng: posttraumatic stress disorder, ss, anxiety, substance abuse, do ents, aged, marital problems, gay-	child and adult sexual assault victims mestic violence, panic attacks, family,
Medicolegal – assess	ments, pre-sentencing reports, co	ourt expert witness.
Occupational psychol presentation, job inter	logy - testing of skills and inter viewing, negotiation.	ests; career guidance; training in
<b>1994 - 1996: Recruiti</b> Staff selection for pub	ment Consultant (ACT) lic service departments, career g	uidance, counselling.
<b>1974 - 1996: Volunte</b> veterans, age-related	eer Counselling: Life issues, do problems.	omestic violence, substance abuse,
1984 - 1987: Director, 1979 - 1984: Director, 1978 - 1979: Secondn 1976 - 1978: Head, ma 1974 - 1976: Head, pe 1971 - 1974: Psycholc	monitoring institutional healthcar recruitment policy and planning, recruitment planning and control nent to Foreign Affairs to lead six anagement development, Public pronnel Resources and projects, ogist, State Electricity Commission ducation Officer (weapons trained Serviceman.	Public Service Board Canberra. , Public Service Board. -month training project in PNG Service Board. Public Service Board. n Of Victoria.

-T--

	CERTIFICATE OF EXPERT EVIDENCE SECTION 177 OF THE EVIDENE ACT, 1995 AND UNIFORM CIVIL PROCEDURE RULES — SCHEDULE 7
Evi pre	s document (and the report attached hereto) constitute a Certificate of Expert dence pursuant to Section 177 of the Evidence Act, 1995 and has been pared in accordance with the Uniform Civil Procedure Rules 2005 — Schedul n Expert Witnesses in relation to the matter of: Kellie Moses dob
a)	I have read the Expert Witness Code of Conduct and agree to be bound by that code.
b)	Name and address: Dr John Jacmon, OAM, Registered Psychologist
c)	I have completed doctorate studies at the University of New England encompassing research on the treatment of depression. My other qualifications are a Master of Education (research degree in psychology) fro Monash University, Master of Educational Administration and Diploma in Educational Administration from New England University, Honours Bachelo of Science (Psychology) and Honours Bachelor of Arts (Sociology) from the University of South Africa, Bachelor of Education and Bachelor of Science from the University of Queensland, and Certificate in Computer Studies from TAFE Western Australia. I am a full member of the Australian Psychological Society. I have received the Medal of the Order of Australia for services to the community and aged veterans.
d)	I have specialised knowledge based on my training, study and experience in the area of clinical psychology including in the diagnosis, assessment and treatment of mental disorders.
e)	The opinion held by me and detailed in the report attached hereto is wholly a substantially based on the subject knowledge derived from my training, study or experience referred to in (c) above.
f)	Annexed hereto is my report dated 8 November 10 consisting of 12 pages.
DAT	ED: 8 November 10
SIG	NED:
	loh Jacan

...

4963