



Police response to media enquiries about 'Roastbusters'

INDEPENDENT POLICE CONDUCT AUTHORITY

INTRODUCTION

1. At the beginning of November 2013 media reports emerged about the sexual activities of a group of young men in Auckland who referred to themselves as 'Roastbusters'. The media approached Police for comment about their knowledge of this group and details of any Police investigation. It became apparent over the ensuing days that the information originally provided by Police to the media was incorrect.
2. Complaints were made to the Authority by Minister of Police, Anne Tolley, and Labour Spokesperson for Police, Jacinda Ardern, as well as two other members of the public. As a result of these complaints the Authority decided to independently investigate two aspects of Police actions:
 - i. the adequacy of the Police investigation and handling of any complaints or reports received by Police between 2011 and October 2013; and
 - ii. the information provided by Police to media concerning their involvement in these matters.
3. The Authority notified Police of the complaints received, in accordance with the requirements of the Independent Police Conduct Authority Act 1988 ('the Act').
4. This report sets out the results of the Authority's investigation into the second aspect concerning the information provided by Police to media. The Authority's investigation into the first aspect has been concluded but, in this instance, the Authority is unable to report publicly until Police have finished their criminal investigation (Operation Clover). This is to ensure that the ongoing Police criminal investigation into potential offending is not prejudiced in any way. The information obtained by Police during their investigation is currently being reviewed by the Police legal team before decisions are taken regarding prosecution.

BACKGROUND

Summary of notifications received by Police

5. Between 2011 and early 2013 Police received reports of concern about four separate incidents involving a group of young men who had allegedly been sexually involved with young women in circumstances where the sexual conduct could give rise to criminality. These reports were from the young women themselves or family members. The first report was in February 2011 to Auckland City Police District. The second report was in October 2011, the third in November 2011 and the fourth in January 2013. The last three matters were dealt with by the Waitemata Police District Child Protection Team ('CPT').¹ While Police spoke to all four young women, only one gave a formal statement to Police about the incident by way of an Evidential Video Interview ('EVI').
6. In addition Police had engagement with a school and Child Youth and Family about these matters and other reports of incidents of concern.
7. The investigations conducted by Police did not result in any criminal charges being laid. For reasons outlined in paragraph 4, this report will not go into the detail of those Police investigations. The Authority will report separately about the adequacy of the Police investigations in due course.

Structure of Child Protection Teams

8. The first report in February 2011 was made to Auckland City Police District and dealt with by the Police Child Protection Team ('CPT'). The two other reports in 2011 were dealt with by the Waitemata Police District, specifically by the Waitakere CPT based at the Henderson Police Station. At the time a Detective Sergeant headed the Waitakere CPT. The Waitakere CPT at that stage reported to the Officer in Charge of the CIB at Henderson.
9. In 2011 Waitemata District had a Child Protection and Family Violence Co-ordinator. The Child Protection and Family Violence Co-ordinator did not have any direct line management of the CPTs within Waitemata District or any direct supervision of the CPT's specific cases.
10. In July 2012 Waitemata District centralised the way in which child protection work was undertaken. The CPTs from Waitakere and North Shore as well as staff from Rodney were all brought together at North Shore Policing Centre. The Child Protection and Family Violence Co-ordinator was appointed as the Officer in Charge ('O/C') of the District CPT

¹ Waitemata Police District covers the area north of Auckland City from New Lynn, North Shore and Devonport up to Mangawhai in the north. It is split into three areas - North Shore, Waitakere and Rodney.

and, from that point, had direct line management of all staff and files in the CPT. The Detective Sergeant from Waitakere who had overseen the Police handling of the reports received in October and November 2011 moved to the centralised Waitemata CPT.

11. The fourth report in January 2013 was dealt with by the centralised Waitemata Police District CPT.

Summary of events

12. The first media approach by TV3 was made on 29 October 2013 to a Detective Senior Sergeant at Auckland District. He had been the officer in charge ('O/C') of the Auckland CPT and was aware of the first report in January 2011 and that the Waitemata District had had further involvement with other similar reports. He advised a Detective Sergeant at Waitemata CPT (who had been his counterpart at Waitakere CPT) of the media enquiry on either 29 or 30 October 2013. He then had further contact from TV3 on 30 October 2013 and alerted his supervisor by email on 31 October 2013 (see paragraph 16 below).
13. The Detective Sergeant at Waitemata CPT advised his supervisor (a Detective Senior Sergeant who was the O/C Waitemata CPT) of the information received from Auckland CPT about the media enquiry.
14. On 31 October 2013 the O/C Waitemata CPT informed the Communications Manager at Waitemata that the Auckland CPT had been contacted by TV3 about a matter Police were involved with. At interview with the Authority, the Communications Manager at Waitemata confirmed she had been told during that discussion that none of the girls had made complaints.
15. The O/C Waitemata CPT reported to the Waitemata District Manager: Criminal Investigations who was a Detective Inspector and had overall responsibility for the Waitemata CPT. The O/C Waitemata CPT did not advise the Waitemata District Manager: Criminal Investigations of the media enquiry.
16. The Detective Senior Sergeant at Auckland CPT who had received the enquiries from TV3 sent an email to his manager on 31 October 2013. In this email he stated:

“... a number of complaints have been investigated by both CPT City and North Shore over the last 2 to 3 years. To date none of the girls have come forward to provide statements or wished to pursue the matter”.
17. The Detective Senior Sergeant advised the Authority in interview that he provided this information based on his knowledge of one case, involvement he had personally had with Child Youth and Family, knowledge of a school's concerns, discussions he had had over the preceding years with his counterpart at Waitemata District and his belief that all the cases had been investigated and closed without any prosecutions being brought. It was his belief that no complaints had been made. He did not check the Police computer system before writing the email.
18. This email was forwarded on 1 November 2013 as a 'heads up' to the District Commanders at Auckland and Waitemata to advise them of the media interest. The covering email reiterated that no complaints had been made by the girls involved.

19. This email was made available to both Districts' Communications Managers. The Communications Manager at Waitemata sent this email on to the Waitemata District Manager: Criminal Investigations and informed the Authority at interview that she then went to speak to him to check he was aware of the email and the issues raised. Following that conversation she was left with the impression that the Waitemata District Manager: Criminal Investigations was well aware of the Police investigation into these matters. In interview with the Authority the Waitemata District Manager: Criminal Investigations stated that he did not recall seeing that email until later in the afternoon of 1 November 2013.
20. The Communications Manager then met with the O/C Waitemata CPT and the Detective Sergeant in CPT to obtain a briefing about the Police investigation to date. She advised the Authority in interview that she was not told during that briefing that anyone had made a complaint or participated in an EVI.
21. The O/C Waitemata CPT stated in interview to the Authority that, at that stage, she was also under the impression that no formal complaints had been made and was not aware that an EVI had taken place. As explained at paragraph 10 above the O/C Waitemata CPT had no direct supervision of cases in the role of Child Protection and Family Violence Co-ordinator and had not reviewed the relevant case file.
22. The reporter from TV3 telephoned the Communications Manager at about 1.30pm on 1 November 2013. During that telephone call the reporter advised that she had an interview with an alleged victim of the group and was going to be running the story. The reporter advised that she was seeking comment and an interview from Police. The Communications Manager asked her to send an email outlining the areas she wanted to address with Police.
23. The Communications Manager immediately briefed the District Commander on the media request and the information she had been given. Although the District Commander had been sent the email from Auckland advising of the media enquiry earlier that day, he advised the Authority in interview that he had not read the email at that point. The first information the District Commander received was from this briefing from the Communications Manager. The District Commander was made aware that the Communications Manager had received information from Waitemata CPT outlining that there had been approaches to Police and Police were still investigating the matter, but that no complaints of a formal nature had been made. The District Commander explained in interview to the Authority that by this he meant "*that nobody had made an evidential complaint or a formalised statement that they intended to take forward to a Court process*".
24. The Waitemata District Manager: Criminal Investigations, O/C Waitemata CPT and the Detective Sergeant in CPT were requested to attend and discuss the matter with the

District Commander and Communications Manager. The Authority has interviewed everyone who attended that meeting. Nobody took any contemporaneous notes. The meeting lasted approximately 30 minutes and there are different recollections of the content of the meeting and the information provided.

25. At the meeting a brief overview of the background was provided. The main purpose of the meeting was to decide whether Police would agree to a media interview, and if so, who would represent Police.
26. It is clear that everyone was aware that Police had received various reports about the alleged sexual activities of the group of young men, and enquiries and investigations had been undertaken, and were still on-going. All five people present at that meeting were clear in interview with the Authority that they understood Police had determined there had been insufficient evidence for any charges to be laid at that time and Police needed more information by way of formal statements or complaints.
27. However, it is unclear if there was a discussion about whether a complaint had been made. The Detective Sergeant in CPT was the only person at that meeting who had direct knowledge that an EVI had taken place in one of the cases. This was due to the fact that he had directly overseen the Police investigation of that matter before the team was centralised. He could not recall mentioning the fact that an EVI had occurred at the meeting. He advised the Authority in interview that, from the information he gave at the meeting, there could have been no misunderstanding that a complaint had been laid. In contrast, the other four people present left the meeting believing that no 'formal complaints' had been received by Police. It is unclear whether the phrase 'formal complaint' was actually used, or indeed whether the word 'complaint' was used during that meeting due to the differing recollections.
28. The meeting concluded with the decision having been taken that the Waitemata District Manager: Criminal Investigations would give an interview to TV3 that afternoon. The Waitemata District Manager: Criminal Investigations and O/C Waitemata CPT immediately went into another scheduled meeting which was due to last for the rest of the afternoon.
29. At 2.33pm an email from TV3 was sent to the Communications Manager, as she had requested. The email contained a list of the areas that TV3 wanted to specifically cover with Police, as follows:
 - i. *"When did Police become aware of the Roastbusters?"*
 - ii. *How many complainants have you interviewed and over what period?*

- iii. *Why have the boys spearheading this group, not been charged for having sex with drunk underage girls, both when they were minors themselves and as recently as this year when they were legally of age but one of their victims wasn't?*
 - iv. *Why have you not taken further action of your own even when the girls have been too frightened to press charges?*
 - v. *When were you made aware of the Facebook Page and why were steps not taken to remove it?"*
30. The Communications Manager arranged for the interview to take place at 4.00pm that afternoon. She advised the Authority that prior to the interview being recorded she met with the Waitemata District Manager: Criminal Investigations and District Commander to go through the issues listed in the email. The Waitemata District Manager: Criminal Investigations informed the Authority that he was not shown the email from TV3 during that meeting. He recalled that he had left the other prearranged meeting to deal with the media interview. He stated there was a general discussion between himself, the Communications Manager and District Commander about the information that would be provided by Police, specifically that they needed girls to come forward and make complaints so that Police could investigate them.
31. The Detective Sergeant in CPT, who was the person with the most knowledge of the files, was not shown the email or asked to provide any answers to those questions.
32. The Waitemata District Manager: Criminal Investigations gave an on-camera interview to TV3 on the afternoon of 1 November 2013 which was aired on Sunday 3 November 2013. In that interview he stated:
- "None of the girls have been brave enough to make formal statements to us so we can take that to a prosecution stage, or even consider a prosecution stage".*
33. The Waitemata District Manager: Criminal Investigations was specifically asked by the reporter:
- "You're telling me, unless someone lays a complaint, you can't do anything about it?"*
- And he replies:
- "It takes one girl to be brave enough to do that".*
34. The Waitemata District Manager: Criminal Investigations confirmed to the Authority in interview that he believed that the information he provided during the interview with TV3 was consistent with the information provided in the earlier meeting and was correct.

35. After the interview Police drafted a media statement for use that weekend if required. The plan was for the statement to be issued if TV3 ran the story over the weekend. That statement outlined the following:

"A team of Police staff have been fully investigating these matters and have spoken with all identified and possible victims on a number of occasions. The ability to take matters further has been made difficult, unfortunately none of the girls have been willing to make a formal complaint to Police..... a formal complaint is required for Police to act further and enable any possible prosecution".

36. The District Commander approved that media statement, which was also seen by the Waitemata District Manager: Criminal Investigations. In that draft media statement the Waitemata District Manager: Criminal Investigations is quoted as saying:

"It's very frustrating for us but we need victims to make a formal statement to us for evidence".

37. The Detective Sergeant in CPT watched the TV3 news item on Sunday 3 November 2013 concerning this matter. Despite the incorrect information given he did not bring this to the attention of his line manager or anyone else within senior management of Police.

38. In fact the media statement drafted on 1 November 2013 was not published. A different Police media statement was published on the Police website on 4 November 2013 which stated:

"Police have spoken with all identified and possible victims and their friends, on a number of occasions. We appreciate their difficult and traumatic situation however without further evidence such as formal statements Police are unable to prosecute the offenders in this case..... Police acknowledge how difficult it is for victims of sex crimes to take the step of making a formal complaint to Police.

A team of Police staff have been fully investigating these matters and have spoken with all identified and possible victims on a number of occasions. The ability to take matters further has been made difficult, unfortunately none of the girls have been willing to make a formal complaint to Police".

39. On the morning of 5 November 2013 a meeting was held, chaired by the Detective Superintendent: Upper North whose role is to oversee serious criminal matters in the Upper North Island i.e. the Police Districts of Northland, Waitemata, Auckland City, Counties Manukau, Waikato and Bay of Plenty. The Detective Superintendent had seen various media reports on the morning of 4 November 2013 and alerted the Assistant

Commissioner to the risks to Police. As a result he was tasked to oversee the on-going Police investigation.

40. The purpose of the meeting was to gain an appreciation of the matters under investigation, identify investigative opportunities and look at the on-going investigation. The Waitemata District Manager: Criminal Investigations, O/C Waitemata CPT and Detective Sergeant in CPT attended in order to provide a briefing on the progress and status of the investigation. The minutes of that meeting show that the EVI of one girl was discussed. Nobody present recognised that this was inconsistent with the information provided to the public and Police Executive. It was not identified that this needed to be rectified or indeed brought to the attention of the District Commander or the Communications Manager.
41. The District Commander informed the Authority that on 6 November 2013 he was travelling with the O/C Waitemata CPT at approximately 3.00pm when she mentioned that one of the girls had given an EVI. She also stated that the girl did not wish to take the matter to court. He was troubled by this information and decided to check this out in more detail once he was back at his office, in order to confirm whether this amounted to a formal complaint. Due to a pre-arranged media commitment at 3.00pm he was not able to follow this up immediately upon his return to the office.
42. During that afternoon of 6 November 2013 the Communications Manager received a telephone call from Radio Live in which she was advised that they had received information suggesting a girl had made a formal complaint to Police and provided a name. The Communications Manager made enquiries with the Detective Sergeant in CPT and the O/C Waitemata CPT and was advised by the Detective Sergeant that the named girl had given an EVI to Police. The Communications Manager immediately realised that this presented a problem for Police and meant, in her opinion, that Police had in fact received a complaint, and indeed a formal statement, from one of the alleged victims, which was completely contrary to the information Police had provided over the preceding five days.
43. The Communications Manager was contacted by TV3 at approximately 5.15pm, who advised they had conducted an interview with a girl, who claimed she had made a formal complaint to Police and had given an EVI. She was advised this would be aired on the 6.00pm news that night.
44. The Communications Manager briefed the District Commander on this information and the fact she had been advised by the Detective Sergeant in CPT that the girl had given an EVI.
45. The District Commander obtained details from the Detective Sergeant in CPT of the content of that EVI and the reason that the matter had not proceeded to court.

46. The Communications Manager and the District Commander consulted with Police National Headquarters (PNHQ) and one of the Deputy Commissioners. A Police media statement was provided to TV3 and published on Police website quickly, which confirmed:

“Police can confirm a complaint was received in December 2011. An investigation was launched and the complaint was thoroughly investigated. Whilst this was a distressing time for the girl and her family, Police determined that there was not sufficient evidence to bring a prosecution”.

47. A further Police media statement was published on the Police website on 7 November 2013 which provided further clarification:

“There are four girls that have been identified as victims, and of those four, one has made a formal complaint.....where an official statement was made by way of an evidential video interview”.

Timeline re Police response to media enquiries

Date	Time if applicable	Event
29.10.13		TV3 approaches the officer in charge of Auckland CPT for information about Roastbusters.
29/30.10.13		The officer in charge of Auckland CPT telephones and speaks with a Detective Sergeant at Waitemata CPT to notify them of this approach from media. The O/C Waitemata CPT is then advised of this fact.
30.10.13		Further telephone call from TV3 to Auckland CPT about the matter during which TV3 confirm a girl had given an interview about her experience. A request is submitted for OCEANZ (Online Child Exploitation Across New Zealand') to identify and capture the Facebook site and any videos.
31.10.13		Auckland CPT receives information from OCEANZ re Facebook and send this to Waitemata CPT with details of telephone call on 30.10.13 with TV3. The O/C Auckland CPT notifies his manager of the media enquiry by email and gives a brief outline of his knowledge of Police involvement in the matters.
31.10.13		The O/C Waitemata CPT informs the Communications Manager at Waitemata that TV3 had contacted Auckland CPT about a matter the team were involved in.
1.11.13	9.51am	The email from the O/C Auckland CPT is sent to the District Commanders for Auckland and Waitemata to provide an early warning of the media interest. This is made available to the Communications Managers at both Districts.
1.11.13	10.51am	The Communications Manager at Waitemata forwards the early warning email to the Waitemata District Manager: Criminal Investigations. This is also sent to the O/C Waitemata CPT.
1.11.13		The Communications Manager at Waitemata obtains a briefing from the O/C Waitemata CPT and the Detective Sergeant in CPT.
1.11.13	1.30pm	TV3 reporter telephones the Communications Manager at Waitemata to advise that TV3 are running the story and want an interview with Police. TV3 advise they have an interview with one of the female victims.
1.11.13		The Communications Manager at Waitemata briefs the District Commander who then calls Waitemata District Manager: Criminal Investigations, O/C Waitemata CPT and the Detective Sergeant in CPT to join them.
1.11.13	2.33pm	An email from TV3 reporter to the Communications Manager at Waitemata requests an on-camera interview with the District Commander and sets out some specific issues.
1.11.13	2.52pm	The Communications Manager at Waitemata forwards the email from TV3 to Waitemata District Manager: Criminal Investigations, the O/C Waitemata CPT and the District Commander. (PNHQ media section is made aware of this email. They in turn send this to the Minister of Police's Press secretary at 3.48pm stating that none of the victims would provide statements.)
1.11.13	4.00pm	On camera interview given by Waitemata District Manager: Criminal Investigations to TV3 during which he referred to no formal statements having been made.
1.11.13	5.56pm	Police media statement is drafted for use if the story aired that weekend. Contents seen and approved by the District Commander and Waitemata District Manager: Criminal Investigations.
4.11.13	12.41pm	Police media statement posted on Police website about the Police investigation. It outlines that none of the girls had been willing to make a formal statement.
5.11.13	10.30am	Briefing meeting held, chaired by a Detective Superintendent at which the Waitemata team discuss progress and advise about Police action to date.
6.11.13	3.00pm	O/C Waitemata CPT mentions to the District Commander (as they are

	approx.	travelling from a meeting) that one girl had given an EVI to Police.
6.11.13	4.30pm	The Communications Manager at Waitemata is contacted by Radio Live to say they had received information suggesting a girl had made a formal complaint and provided a name.
6.11.13		The Communications Manager at Waitemata makes enquiries with the Waitemata CPT officers and is advised by the Detective Sergeant in CPT that the named girl had given an EVI to Police.
6.11.13	5.15pm	The Communications Manager at Waitemata is contacted by TV3 who advises they had an interview with a girl who claimed she had made a formal complaint to Police and had given an EVI. TV3 advise this would be aired on the 6pm news that night. The Communications Manager at Waitemata briefs the District Commander.
6.11.13	5.56pm	Police media statement is provided to TV3 and subsequently posted on Police website confirming a complaint had been received by Police in December 2011.
7.11.13	8.26am	Police media statement is posted on Police website confirming four girls had been identified as victims but only one had made the complaint formal by giving an EVI.

THE AUTHORITY'S FINDINGS

How did Police provide inaccurate information to the public?

48. The summary of events from paragraph 12 onwards sets out the details of the approaches by TV3 to Police and the steps taken by Police prior to the recorded interview being given by the Waitemata District Manager: Criminal Investigations on the afternoon of 1 November 2013.
49. The email from Auckland CPT on 1 November 2013 (see paragraph 18 above) was the first detailed information provided to the Communications Manager and District Commander. This email contained inaccurate information, including that no complaints had been made to Police by any of the girls. All Police officers interviewed by the Authority accept that in this instance the EVI provided amounted to a complaint.
50. The Detective Senior Sergeant from Auckland CPT did not have detailed knowledge of all of the cases and genuinely outlined what he believed was the case.
51. The only person working within the Waitemata Child Protection Team on 1 November 2013 with knowledge of the Police investigation and involvement of the three cases reported to Waitemata was the Detective Sergeant.
52. The Communications Manager understood from that email that no complaints had been made to Police. This was her understanding before obtaining a briefing from the O/C Waitemata CPT and Detective Sergeant. At that initial briefing she was provided with an overview of the cases and still believed that no complaints had been made. There was no discussion about an EVI of one girl.
53. The Communications Manager provided initial information to the District Commander and he advised the Authority that he read the email from Auckland CPT at some point shortly after his conversation with the Communications Manager on the afternoon of 1 November 2013.
54. The District Commander believed that the Waitemata District Manager: Criminal Investigations had the requisite detailed information about the cases to be able to handle any issues raised at a media interview. Due to the restructuring of the Waitemata CPT in July 2012, in fact neither the Waitemata District Manager: Criminal Investigations nor the O/C Waitemata CPT were aware of the detail of two of the three cases that had been dealt with by Waitakere CPT, as these had been reported prior to the restructuring and before they had any oversight of the CPT.
55. Media enquiries that require a swift response are a common occurrence for Police. In this instance an email from TV3 set out the areas that they wanted to address in interview with Police. One of those areas was about the number of complainants that

Police had interviewed. While Police may have good reasons for not providing specific numbers or details in response to media requests, particularly when there are on-going enquiries, Police should have accurate information before giving media interviews.

56. Four of the five people who attended the briefing meeting shortly after 1.30pm on 1 November 2013 believed from those discussions that no complaints had been made to Police. Only the Detective Sergeant in CPT had a differing view. He knew for a fact that one girl had provided an EVI, and the content of that amounted to a complaint. He believes he had communicated this to the other people at the meeting, however this clearly was not the case.
57. The Authority's investigation has concluded that there was no deliberate decision to mislead by anybody at that meeting. Everybody has different recollections of what was discussed. It is clear to the Authority that the requisite level of detail of Police's involvement, and investigations to date, was not outlined. This was partly due to lack of time and other commitments that afternoon.
58. The email from TV3 was not received until after that briefing. The Waitemata District Manager: Criminal Investigations and O/C Waitemata CPT were in another meeting and did not immediately see the email. It was not provided to the Detective Sergeant in CPT.
59. It is easy with hindsight to look back and see what should have occurred to avoid mistakes. It would have been good practice for the Detective Sergeant in CPT to have been asked to provide details in response to the areas outlined in the email from TV3. If that had occurred it is likely that the fact an EVI had taken place would have been outlined and Police, through the Waitemata District Manager: Criminal Investigations, would not have provided inaccurate information to the public by stating that no complaints or formal statements had been made.
60. The problem on 1 November 2013 arose from short timeframes and the fact that certain officers had other pre-arranged commitments. The Waitemata District Manager: Criminal Investigations conducted the interview shortly after attending a scheduled meeting, without basic steps having been taken by Police to ensure there was sufficient information to address the areas outlined by TV3.

FINDINGS

On 1 November 2013 no officer, other than the Detective Sergeant in CPT, knew that an EVI had been provided by one girl which amounted to a complaint.

No individual can be criticised for the fact that inaccurate information was provided to the public. There was a collective breakdown in communication due to other commitments and the pressures of time.

Once inaccurate information had been provided, should Police have realised this earlier than 6 November 2013?

61. The Waitemata District Manager: Criminal Investigations gave an interview to TV3 at 4.00pm on 1 November 2013. The Authority accepts that he believed the information he was providing was accurate. At that stage there was no information that he had, or should have had, to contradict that belief.
62. Parts of that interview were aired on the evening news on Sunday 3 November 2013. The Detective Sergeant in CPT has confirmed to the Authority that he saw that programme. He knew the information given by the Waitemata District Manager: Criminal Investigations was incorrect but did not advise his supervisor or anyone else.
63. In addition there were occasions over the next couple of days when Police should have realised that inaccurate information had been provided to the public and acted to rectify this, or at least alert the District Commander and the Communications Manager. These were:
 - i. The O/C Waitemata CPT could have reviewed the two historical Waitakere CPT files in light of the public interest and on-going investigation. This would have revealed the EVI.
 - ii. At the meeting on 5 November 2013 when the EVI was discussed, the Detective Superintendent: Upper North, Waitemata District Manager: Criminal Investigations and O/C Waitemata CPT should have realised that if an EVI had been given this amounted to a formal statement and a complaint which contradicted information provided to the public.
64. The Detective Superintendent: Upper North accepted that it would have been helpful if the media aspect and that part of the briefing had been highlighted.
65. The Waitemata District Manager: Criminal Investigations did not recall any discussion of the EVI at that meeting, although he accepts it must have taken place due to the content of the Minutes of that meeting.
66. The O/C Waitemata CPT did raise the issue of the EVI with the District Commander, but not until 6 November 2013 when travelling with him from a meeting.

FINDING

The Detective Sergeant in CPT should have advised his supervisor of the inaccurate information provided by the Waitemata District Manager: Criminal Investigations in interview with TV3 as soon as possible after he saw the TV3 programme on 3 November 2013.

It should have been realised during the discussions on 5 November 2013 that the fact an EVI had occurred meant that inaccurate information had been provided to the media by Police and consequently steps should have been taken to alert the District Commander.

CONCLUSIONS

67. A priority for Police is to maintain public trust and confidence in Police. Part of this is ensuring that Police do not provide inaccurate information as this can impact on their credibility.
68. In this instance the Minister of Police, the Commissioner and the public were advised that no complaints or formal statements had been received from any of the alleged victims of the 'Roastbusters' and that was the reason why Police had not been able to undertake further investigations or lay any charges. This was incorrect.
69. In addition this false information would have had an impact on all of the young women who had had some contact with Police, in particular the young woman who gave the EVI. Understandably she was confused and upset by the information being provided by Police as she had in fact made a formal statement to Police.
70. The Authority has formed the following opinions:
- i. The Authority accepts that there was no deliberate decision to mislead by any Police employee in this case.
 - ii. On 1 November 2013 no officer, other than the Detective Sergeant in CPT, knew that an EVI had been provided by one girl which amounted to a complaint. The Detective Sergeant believed it should have been clear to the other people at the meeting on 1 November 2013 that a complaint had been made to Police. However this clearly was not the case.
 - iii. Time should have been taken to obtain the details from the Police files in response to the questions from TV3.
 - iv. The Authority has found that no individual can be criticised for the fact that inaccurate information was provided to the public. There was a collective breakdown in communication due to other commitments and the pressures of time.
 - v. The Detective Sergeant in CPT should have advised his supervisor of the inaccurate information as soon as possible after he saw the TV3 news on 3 November 2013.
 - vi. It should have been realised during the discussions on 5 November 2013 that the fact an EVI had occurred meant that inaccurate information had been provided by Police and steps should have been taken to alert the District Commander.
 - vii. This meant that the provision of inaccurate information was compounded by the fact that Police did not identify and rectify the mistake themselves, but instead had

to admit mistakes publicly only when contradictory information was ascertained and published by the media. There was a consequent negative effect on the credibility of Police.

Having considered all the evidence, the Authority is not making any recommendations in relation to this matter. The Authority has formed the above opinions and come to a clear view that Police failed to recognise the implications of the information received by paying too little attention to detail. However this did not amount to misconduct on the part of any individual staff member.

A handwritten signature in black ink, appearing to read 'Sir David Carruthers', written in a cursive style.

JUDGE SIR DAVID CARRUTHERS

CHAIR

INDEPENDENT POLICE CONDUCT AUTHORITY

22 May 2014

About the Authority

WHO IS THE INDEPENDENT POLICE CONDUCT AUTHORITY?

The Independent Police Conduct Authority is an independent body set up by Parliament to provide civilian oversight of Police conduct.

It is not part of the Police – the law requires it to be fully independent. The Authority is overseen by a Board, which is chaired by Judge Sir David J. Carruthers.

Being independent means that the Authority makes its own findings based on the facts and the law. It does not answer to the Police, the Government or anyone else over those findings. In this way, its independence is similar to that of a Court.

The Authority employs highly experienced staff who have worked in a range of law enforcement and related roles in New Zealand and overseas.

WHAT ARE THE AUTHORITY'S FUNCTIONS?

Under the Independent Police Conduct Authority Act 1988, the Authority:

- receives complaints alleging misconduct or neglect of duty by Police, or complaints about Police practices, policies and procedures affecting the complainant in a personal capacity;
- investigates, where there are reasonable grounds in the public interest, incidents in which Police actions have caused or appear to have caused death or serious bodily harm.

On completion of an investigation, the Authority must form an opinion on whether any Police conduct, policy, practice or procedure (which was the subject of the complaint) was contrary to law, unreasonable, unjustified, unfair, or undesirable. The Authority may make recommendations to the Commissioner.



IPCA

Independent Police Conduct Authority
Whaia te pono, kia puawai ko te tika

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www.ipca.govt.nz