
SPEECH NOTES

IPCA Chair, Judge Sir David Carruthers



Thursday 19 March 2015

Release of report on Police handling of investigations into 'Roastbusters' alleged offending

Good morning everyone.

The Authority is an independent oversight body that receives complaints against the Police and either investigates these complaints itself, or oversees and reviews the Police investigation of them.

In November 2013 the Authority received a number of complaints relating to Police investigations into alleged offending by a number of young men in Auckland calling themselves the 'Roastbusters'. As a result the Authority began an independent investigation into two aspects of Police actions.

The first aspect, which the Authority publicly reported on in May 2014, considered the information provided by Police to the media about the Police investigations.

The second, which is outlined in today's report, considered the adequacy of the initial Police criminal investigations and the handling of any complaints or reports received by Police from members of the public between 2011 and October 2013. The findings in the report are the result of a very thorough and detailed investigation.

The report is confined to those Police investigations up until these matters came to media attention in October 2013. It does not cover the subsequent Police reinvestigation, dubbed 'Operation Clover'. The Police have publicly reported on the results of that reinvestigation, which did not result in the prosecution of any of the young men concerned.

In November 2013 Police informed the Authority that between 2011 and early 2013 they had received reports about four separate incidents relating to the 'Roastbusters'.

During its investigation the Authority found that Police had also responded to an additional three reports of concern involving young women and this group of young men.

The Authority therefore investigated whether there was any Police misconduct or any failure of Police practice, policy or procedure in the handling of seven matters.

This involved interviewing officers, reviewing Police files and any additional relevant documents, and accessing records held by CYF in relation to each of the cases.

I will now move onto the findings of the report.

The Authority has found that the investigating staff generally treated the young women who were subject to the alleged offending with courtesy and compassion and maintained good contact with them and their families.

Bearing in mind that several of the young women did not wish to participate in the investigation process subsequent to the incident, the attempts made by Police to explain the process, engage with the young women, and explain the outcome was, in most cases, done professionally and well.

However, the Authority has found that the investigations into the individual cases were not robust and thorough.

In a number of cases Police failed to adhere to the basic tenets of any form of criminal investigation.

They failed to undertake adequate follow up enquiries and pursue positive lines of enquiry and, in that respect, breached Police policy which requires that all reports of child abuse must be thoroughly investigated even if the child or young person withdraws a complaint, or parents or caregivers are reluctant to continue.

The Authority has determined that the failure to undertake basic investigative tasks resulted in a lack of sound evidence-based decision making in each case.

There was also a lack of adequate record-keeping and assessment of evidence during the investigations. Details of alleged offenders were not correctly recorded in the Police computer system. Moreover, Police did not check whether the young men had been involved in any previous incidents. As a result, the pattern of behaviour that was evident from the various complaints and reports was not recognised, or its significance not adequately considered, until a late stage.

In addition to the inadequacies in the collection of evidence, investigating staff did not properly assess that evidence in determining whether a prosecution was appropriate. Nor did they consider all available offences in reaching their decision not to charge.

Finally, the Authority has found that the investigating officers failed to properly consider alternative action and take steps to address care and protection issues and potential offending behaviours of the young men involved. Only one of the young men was ever the subject of a referral to CYF. In one case, initial suspect interviews were held with the young men, but there was no further contact after that. In the other cases, officers did not speak to the young men or their parents during or at the conclusion of their investigations.

In the Authority's view, many of these issues arose because investigating officers tended to approach each case on an individual, case-by-case, basis and saw their task as determining whether there was sufficient evidence to prosecute the alleged offenders for sexual violation. They did not have a prevention focus in mind and did not consider whether either a lesser charge or some other response was required.

The officers should have identified the connections between the various cases and worked with other agencies to develop strategies to reduce the recurrence of what was clearly unacceptable and, in some cases, criminal behaviour. Victims were let down by their failure to do so.

However, despite the failings in this case, the Authority has not found any evidence of ongoing and widespread poor practice nationally in the Police investigation or prosecution of child abuse or sexual assault cases.

The Authority has been advised by Police that since these investigations Waitemata Police have introduced a number of safeguards by way of better supervision and oversight of cases, and better liaison with CYF, to reduce the likelihood of a recurrence of the deficiencies identified in this case.

In releasing today's report, the Authority has recommended that an audit be carried out by the National Manager Adult Sexual Assault/Child Protection into the current cases being investigated by the Waitemata Child Protection Team to determine whether any individual shortcomings still exist.

The Authority has also recommended that the Police review whether any other practice or policy issues need to be addressed, either nationally or in Waitemata, and in particular whether more emphasis is required on prevention.

I have asked the Police to advise me of the outcome of their audit and review, and any subsequent action the Police intend to take as a consequence.

I am pleased to be able to present you with the Authority's report today.

Thank you.

Media contact: Corporate and Communications Manager, Stacey Smith: 021 585 771