

Independence

trustworthiness

accountability

vigilance

Conduct and Management of Child Abuse Investigations

INDEPENDENT POLICE CONDUCT AUTHORITY

332. The Authority has received extensive evidence about the conduct and management of child abuse investigations by Police. In addition to the documentary evidence received, evidence was sought from a number of witnesses who work or supervise within the area of child abuse investigations.
333. The Authority wishes to record that there were many examples of sound, professional practice in relation to child abuse investigations. Those examples combined the best practice procedures from within the Police and demonstrated a professional and timely response for victims, as well as effective working relationships with outside groups such as Child Youth and Family, and local medical practitioners and District Health Boards.
334. However, there were failures in the Wairarapa and elsewhere. It is not the purpose of this report to examine particular cases but rather to focus on practices, policies and procedures. The Authority considers that the examples of poor practice discussed in this report reveal areas for improvement in practices, policies and procedures. As already noted, a number of positive initiatives by Police are well advanced in this regard.
335. This chapter begins with a brief narrative of events in the Wairarapa where a substantial backlog of child abuse files was first discovered. Service failures of a similar kind, but on a much lesser scale, in Rotorua and Westport are also discussed. The findings in Operation Scope reports available to date are then considered, followed by an assessment of the issues and recommendations.

WAIRARAPA

336. Events that occurred in the Wairarapa are the subject of employment investigations in respect of individual officers and a review of the circumstances leading to those investigations forms an important part of the Authority's Inquiry. These were surfaced by concerned officers in 2006, but the situation continued until it was addressed as a result of Operation Hope during the course of that operation in 2009. These events will be examined in the second part of the Authority's Inquiry. The narrative that follows is not

comprehensive but rather is merely intended to be sufficient to give the reader an understanding of the nature and scale of the problems that arose.

337. On 5 April 2006 Detective Mana Faraimo, based in Featherston, sent an email to his supervising officers setting out a number of serious concerns about the investigation of sexual abuse of children in the Wairarapa.

"I write to express my dismay at the current state of our CIB office namely the investigation of sexual abuse in the Wairarapa.

Historically, SAT was the responsibility of an experienced member of the CIB office who was assisted by a junior detective. The Wairarapa area have the highest CYFS referral rate per capita in the country. Operations CHARLES and KIPPENBERGER highlighted the endemic problem in this community. As a direct result of political, local pressure and an acknowledgment from the community local CYFS resources were substantially increased.

Currently this portfolio is the responsibility of a single detective, although very experienced is only working part-time. It is commonly known that Detective Mackle is carrying over 100 active sexual abuse investigations and continues to receive more on a daily basis. I believe there are reasonable grounds for a personal grievance against the Police for how she is being treated i.e. Realistically she has no chance of personally resolving even 80% of her file load.

I do not believe we have the proper structure to meet the ongoing increasing demands of sexual abuse investigations in the Wairarapa let alone conduct any long term proactive work. As you are aware sexual abuse investigations take a considerable amount of time and resources, hence there are many separate SAT in existence throughout the region so we are not reinventing the wheel.

Therefore, I strongly advise that the current structure change to include a separate Sexual Abuse Team comprising of a Detective Sergeant and three investigators, who report directly to the O/C CIB."

338. On 28 April 2006 Detective Sue Mackle, the part time officer referred to in Detective Faraimo's email, sent an email to a number of senior officers emphasising the extent of the problem in the Wairarapa.

"At present I think I have about 140 files, probably more. I work part time, about 66 hours per fortnight.

My excessive file load has been widely known at a local level for years (literally), but obviously Child Abuse is not an area of importance for the

Police, as opposed to other areas, such as Traffic, which is. On a number of occasions over the years I have voiced my dissatisfaction, suggested extra staff, tried to get a CIB clerk for our office (and was laughed at), in an effort to try and make some sort of a difference, albeit unsuccessfully.

I'm not sure of the present stats, but a few years ago one of the CYFS supervisors told me that the Wairarapa had one of the highest reported rates per capita of child abuse in the country. CYFS, following several of our more recent homicides involving children, upped their staffing levels and skills, etc. What did we do? We carried on with the status quo of one part-time detective, for a time assisted by another part-time detective, who has since left.

In addition to my SAT files, I am also on-call on the standby roster for one week of every four. Invariably these are busy weeks for me, and I usually get very little, if any SAT work done during these weeks, attending stabbings, arsons, rapes, serious assaults and the like. It's not really a problem in itself, someone's got to attend the job and I'm happy to take my turn. But effectively, only ¾ of my already part-time hours are spent on SAT work.

Most of my enquiry files have named offenders, some of whom are probably still abusing victims, but I am resigned to the fact that that's just the way it is. To keep my head above water, I remind myself of the old saying 'Just do what you can do, and don't worry about what you can't do'."

339. In response Detective Sergeant Tusha Penny was directed to conduct a review of the child abuse investigation files in the Masterton Office. Detective Sergeant Penny is a highly experienced child abuse investigator based in Wellington, who has since been promoted to the rank of Detective Senior Sergeant. Detective Senior Sergeant Penny now leads the new centralised Wellington District Child Protection Team, which is discussed later in this report.

340. On 16 June 2006, Detective Sergeant Penny reported as follows.

"Detective Mackle was holding a total of 121 files/notifications with some dating back to 2002. It is the author's opinion that 121 active files for any individual investigator is excessive and unmanageable.

There is no current file management system in place in respect of child abuse files for the station.

As a result Detective Mackle was unable to advise me of the number or nature of her total files.

As of June 2006 the office had dealt with 24 notifications. To give a comparative workload for consideration the Lower Hutt office recorded 90 notifications in that time. As only one investigator took responsibility for the Masterton caseload it was significant.

A number of files viewed had not had preliminary work completed such as evidential interviews conducted, letters sent to interested parties, co-ordination with CYFS and a general priority assessment.

Detective Mackle is effectively the Masterton Child Abuse Team.

Many of the issues that presented and are outlined in this report are not unique to the Masterton Child Abuse office, they are systemic in most child abuse offices where there is resource conflict with general crime cases.

Those issues aside the Masterton office undoubtedly presents as high risk with the sheer number of uninvestigated child abuse files and timeframe they span. It is a significant breach of the protocol entitled "Interagency Protocol for the Reporting and Investigation of Child Sexual Abuse and Serious Physical Abuse (Revised, 2002)" agreed between the Chief Executive of the Department of Child Youth and Family Services and the New Zealand Police Commissioner."

341. In the same report Detective Sergeant Penny made a number of recommendations, including the following:
- A file management system be implemented immediately.
 - Initial action checklist to be compiled and implemented.
 - Detective Mackle's current file load to be reduced.
 - An internal operation be initiated to address the un-investigated files.
342. In August 2006 the supervisor of the Wairarapa CIB provided a response to District management assuring them that the problems identified had been addressed, with the result that the numbers of child abuse files held in the Wairarapa were only 29 in total, with just 5 not assigned to an investigator. Consequently, an internal operation as suggested by Detective Sergeant Penny was deemed not necessary.
343. One month later, the September 2006 issue of *Police News* carried a story highlighting the problems in the Police response to child abuse in the Wairarapa and elsewhere. This story was based on concerns expressed to the *Police News* reporter by child abuse investigators from various parts of the country, including the Wairarapa. Notwithstanding the media attention given to the issue, the recommendations in Detective Sergeant Penny's report

were not implemented in the face of the response given by the supervisor of the Wairarapa CIB in August 2006.¹¹⁰

344. Matters effectively rested there until late 2008 when enquiries were undertaken by a project team for a “snapshot” of all child abuse files within Wellington District, as a preliminary step in the process of establishing a District-wide Child Abuse Team. Those enquiries led to the identification of a substantial number of outstanding child abuse files (initially noted to be 108 active files allocated to staff) within the Wairarapa area. Operation Hope was established in response to the identification of these outstanding files.
345. Operation Hope began with a team of approximately 20 staff assigned to investigate the relevant files. Within the first week of the operation it became apparent that there were files which required additional work that would extend beyond the first week. A second visit was scheduled for the start of the following year, in February 2009.
346. On the second visit, multiple additional child abuse investigation files requiring investigation were identified that had not been included in the initial estimate. The Operation Hope team regarded the discovery as an indication that there were systemic failings or deficiencies in the area of management of child abuse files. Local staff were urged to present all child abuse investigation files for review and Operation Hope staff continued in their efforts to reduce the backlog over the course of a three month period running from March 2009 to June 2009.¹¹¹
347. During the course of Operation Hope, the Wellington District carried out other reviews and audits that centred on both child abuse files and other serious crime investigations. As part of a “Ten Year Audit” of Wairarapa child abuse files a total of 462 files were reviewed, with 91 files requiring further work before resolution.¹¹² In addition, a manual search undertaken as part of a general serious crime audit by the Field Crime Manager on 24 July 2009 produced a further 31 child abuse investigation files from the Masterton Police station which had not been submitted for review previously. All of the newly discovered files required assessment, and 11 were forwarded to staff of Operation Hope for further work.¹¹³

¹¹⁰ For example, *Extra staff needed as police battle abuse backlog* Wairarapa Times, 7 September 2006 in which the Area Commander disputed that there were 100 or more active child abuse investigation files and stated the figure was 25-30 files.

¹¹¹ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at pp 9, 10.

¹¹² *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at p 14.

¹¹³ *Operation Hope, Closure Report, Wellington District*, November 2009, Detective Senior Sergeant T Penny, at p 15.

348. Operation Hope finally concluded in November 2009. Operation Hope is considered in further detail below. For present purposes it is sufficient to note the scale of the response required to clear the backlog of files in the Wairarapa and the difficulty the officers involved in the operation experienced in identifying and locating all child abuse files within the Area, even before any assessment could be carried out as to whether further work was required on a particular files.

ROTORUA

349. In April 2009 a complaint was made to Rotorua Police by a relative of a victim of alleged physical abuse about lack of progress in the Police investigation of the allegation. A statement containing the allegation of abuse had been taken by a Detective in the Rotorua Child Abuse Team in February 2008.

350. The Detective who took the statement in February 2008 had moved to a different role within Police later in 2008. After the complaint about lack of progress was made in April 2009 a check was made of the Detective's office. A box of 25 files was located. Most had not been entered into NIA and some dated back to 2004 and 2005.

351. Immediate steps were taken by Police to assess the files and progress them where possible. Overall:

- Four were DNA files where samples had been taken but not sent for forensic testing, and were now too old and had to be destroyed;
- Two were immediately reassigned for urgent investigation;
- Three were filed (closed);
- Nine required further investigation;
- Seven were likely to be filed due to "staleness or insufficient evidence to commence a prosecution."

352. An employment investigation is ongoing in relation to this matter.

WESTPORT

353. A review was conducted of CIB files held at Westport after the Detective Constable who had responsibility for those files left the Police in December 2008. The review found numerous files locked in cupboards in the Detective Constable's office. Two large boxes of files were discovered, which included four historic child abuse files.