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## MEMORANDUM

**TO:** Detective Superintendent Andy LOVELOCK

**FROM:** Detective Inspector MALTHUS, District Manager: Criminal Investigations, Auckland

**DATE:** 28 October 2014

**SUBJECT:** Operation Clover - Investigation Overview

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### 1. INTRODUCTION

- 1.1. I have drafted this report in the knowledge that many of the processes described will be known to you. However I am conscious that this report may ultimately be accessible to a wider audience who may benefit from the expanded descriptions.

### PART ONE – Initial Action

### 2. JOINT AGENCY INVESTIGATION APPROACH

- 2.1. In November 2013 the joint Police and Child Youth and Family (CYF) agency investigation into the activities of members of a group calling themselves 'The Roastbusters' commenced. The investigation is named Operation Clover (Op Clover).
- 2.2. The Ministry of Education and Accident Compensation Corporation engaged with Op Clover to provide support and assistance as required.
- 2.3. Op Clover included a review of four prior incidents that occurred between February 2011 and Jan 2013, concerning girls aged under 16 years and involved one or more members of the suspect group. At the time of each of those incidents an investigation, including CYF involvement where applicable, was initiated. It is not the intention of this particular report to comment on the nature or quality of those particular investigations. That will be attended to by the Independent Police Conduct Authority (IPCA).
- 2.4. At the time of Op Clover being initiated there was considerable discussion by teenagers in various social media sites about this group and their behaviour. Op Clover encompassed reviewing those discussions for evidence of criminal offending.
- 2.5. Initial analysis of the various social media comments indicated that at least 30 girls appeared to have interacted with the suspect group. Many of those comments gave cause for concern as to whether sexual interactions

discussed had been non-consensual, contrary to law, or in their best interests as young people. Police had concerns that some girls may be the victims of sexual crimes and in need of victim support.

### 3. **MASS ALLEGATION APPROACH**

- 3.1. The Op Clover leadership determined that it would be necessary to undertake a canvas of these girls in order to ascertain whether any may have been the victim of sexual offending or knew of any other girls who may have been a victim and to determine whether support or counselling was required. In addition information to identify alleged perpetrators was sought.
- 3.2. In cases of serious child abuse investigations Police and CYF follow a joint Child Protection Protocol (CPP). Children and Youths are defined as those under the age of 17 years.
- 3.3. In cases involving sexual assault allegations concerning victims over the age of 17 years, Police follow the adult sexual assault investigation (ASAI) protocol and work with a designated support service. In the Waitemata district that support agency is called HELP: Support for Sexual Abuse Survivors (HELP).
- 3.4. To avoid any confusion the term 'girl,' is used within this report as a general reference to females, regardless of the age of the girl concerned.
- 3.5. A mass allegation framework approach was determined as best suited to enable a mass canvassing phase. A mass allegation investigation involves a joint agency canvassing approach between Police and CYF for girls aged under 17, and follows the agreed Police and CYF's CPP. This approach was also adopted for those girls aged over 17 and protocols as per the Police ASAI policy were followed.
- 3.6. In following the framework, the principles paramount in both child and adult sexual assault/abuse investigations remained at the fore. These principles are articulated in memoranda of understanding between CYF and Police in regard to child and youth investigations and in the Police ASAI policy.
- 3.7. All three agencies involved recognised the significant psychological impact of offending as alleged and adopted a policy of affording these girls and their parents/caregivers time, privacy and protection to consider their options as they were canvassed.
- 3.8. All three agencies were committed to ensuring the safety and welfare of the girls, including ensuring that support was provided to them and their parents/caregivers as they proceeded through the various stages of interview, disclosure and decision-making that might follow. In child protection terms this is referred to as a 'child centred timeframe,' and in adult terms as a 'victim centric approach.'
- 3.9. It was agreed that where potential victims were canvassed they would be offered an opportunity to undergo a therapeutic or forensic medical examination depending on the nature of any disclosure made.



#### **4. CANVASSING PHASE**

- 4.1. It took a significant period of time for Police and CYF to identify the girls to be canvassed as many used alias in their social media conversations. In addition, ongoing analysis of social media discussions identified more girls who appeared to be engaged in discussions that were cause for concern.
- 4.2. At the commencement of the canvas phase, the list of girls to be canvassed had grown from 30 to 63.
- 4.3. The growth in the number of girls to canvas was cause for concern to both Police and CYF. However the criteria remained the same. A girl made the canvassing list only if: there were concerns as to whether sexual interactions had not been consensual; whether there was evidence of unlawful sexual activity; and / or whether they may be in need of victim support, or associated services.
- 4.4. Under a mass allegation framework, a canvassing phase involves the setting of an agreed contact script and questionnaire to ensure consistency in interview. Counselling support material was provided along with contact details to enable follow up queries by those being interviewed.
- 4.5. The questioning of those under 17 years of age is referred to as a 'child focused interview' and requires the consent of the parent / caregiver to proceed. Child focused interviews are usually the domain of CYF with Police providing a support role. For Op Clover, it was agreed that each child focused interview undertaken would involve a pairing of a Police investigator and a CYF Social Worker.
- 4.6. For those aged over 17 years of age such questioning is referred to as an 'adult initial interview'. For Op Clover it was agreed that each 'over 17' adult initial interview would be undertaken by a pairing of a Police investigator and HELP support worker.
- 4.7. Neither the child focused interview, nor the adult initial interview, is a formal interview or constitutes a formal complaint of offending even if disclosures are made. The child focused interview / adult initial interview is not designed to gather all relevant evidence to support criminal charges. It is designed to provide social workers / investigators with an indication of offending (if any), and in a mass canvassing context, as in Op Clover, it allowed investigators to identify potential victims, witnesses and suspects from a large group in the most expedient manner possible.
- 4.8. In a mass allegation framework approach, any such disclosures made during canvassing are followed up with a request for formal interview. That phase is discussed in the next section.
- 4.9. It was recognised that contact with Police and / or CYF in this investigation may cause anxiety to the girl concerned as they may not wish their parents/caregivers or others to know about any connection they may have had with this group. Therefore Police, CYF and HELP developed a protocol that provided appropriate levels of support throughout.
- 4.10. Further to this, it was recognised that official contact raised the real likelihood that the Op Clover team could be contacting girls who have a history of



abuse, self-harm, anxiety and other care and protection issues, so time was taken to identify from Police and CYF records any girls who might be at risk so that measures could be put in place to mitigate ongoing risk to that girl's health and wellbeing.

- 4.11. In regard to girls under 17 years of age, contact was made with parents / caregivers using the agreed parent contact script, seeking their consent to conduct a child focused interview with their child in the first instance. The parent / caregiver was briefed in general terms of the reason for the child focused interview request without breaching any potential right to privacy that their child may have.
- 4.12. In regard to girls over 17 years of age contact was made directly with each girl using the agreed adult contact script. Recognising the desire of parents/caregivers to be involved, even though their daughter was over 17 years of age, every endeavour was made to assist the girl in advising and including her parents/caregivers if that was her wish.
- 4.13. It was determined that contact would be initiated by phone rather than by cold-calling home addresses, with all three agencies agreeing that the priority was to ensure that the parents/caregivers and or girls had the opportunity to prepare themselves for the meeting. Therefore, where possible, first contact was initiated by phone using the agreed scripts with the aim of arranging personal meetings. Those meetings were to be joint Police/CYF or Police/HELP, at which stage the questionnaire was to be completed and the opportunity to engage in counselling or other support services was to be offered.
- 4.14. The Op Clover team was intent on affording each parent / caregiver / girl the opportunity to arrange a meeting that fitted in with their personal needs. It was accepted that some parents / caregivers / girls would not want further contact after the first phone call. However the agreed approach was to endeavour to gain permission to make a follow-up call as a welfare check while preferring a personal meeting so that some form of support could be initiated, and remembering that there was already a basis for concern warranting the contact and the request for the canvassing interview.
- 4.15. It was quite clear to the Op Clover team that there could be no firm timeline as to when the contact, and particularly the support phase, would be completed and there was no way of knowing how much time each individual girl would require in order to explore her options and reach a point where she felt sufficiently safe to disclose any alleged offending, should that be the case.
- 4.16. The Operation Clover team were alert to the fact that some girls, if they were victims of offending, may not have been ready to disclose, and so the priority aim was to ensure they had access to support services and knew that they could disclose in their own time – and importantly that there was no time limit or deadline as it related to their personal disclosures.
- 4.17. Therefore the mass canvass phase was an extensive and intensive exercise and primarily spanned the two months of November and December 2013, carrying on into January 2014 in respect of some girls and with new reports being received by Police or CYF continuing into February 2014.

- 4.18. While it was expected that each girl and their parent would wish to take time to consider how they wished to engage with Op Clover investigators, the canvassing phase was also impacted by the fact that it coincided with end of year school exams, and many of the girls to be canvassed were sitting exams at that time. School holidays had also commenced or were about to commence which added further delays to the canvas phase.
- 4.19. In addition, there was an understandable reluctance by many girls to engage and so it took some time for meetings to be confirmed and for canvass interviews to occur and it was not uncommon for those meetings to be cancelled at the last minute by the girl concerned. Such delays are not uncommon when investigating such a significant matter and are routine challenges Police and CYF face in any investigation.
- 4.20. A few parents/caregivers declined the investigators their permission to speak to their daughters at all. However, all took time to make that decision and are believed to have discussed the decision with their child. The majority of parents/caregivers, and the girl concerned, consented to the child focused interview process. The majority of girls over 17 also consented to the initial interview process.
- 4.21. While the canvassing phase was being conducted, Police continued to review social media discussions, both historic and current, and duly added any new names to the canvassing list when discussions meeting the criteria were met.
- 4.22. Additional names were also obtained from girls as part of the canvassing phase and were also added to the canvas list if the same criteria were met. In addition, during the canvassing phase reports of concerns came in from other reporting avenues such as school counsellors and parents/caregivers and those names were also added to the canvassing list.
- 4.23. As late as February 2014 Police/CYF were still receiving the occasional report of concern that upon assessment warranted a child focused interview to be initiated. It is anticipated that Police/CYF may well receive ad-hoc contact or reports of concern for some time to come and measures have been put in place to ensure that the Op Clover questionnaire is used when conducting any such child focused interview.
- 4.24. At the time of writing this report Op Clover had canvassed 110 girls (combined over and under 17 years of age). Each girl had met the criteria in that Police had concerns that they may be victims of sexual crimes and in need of victim support.

## **PART TWO – VICTIMS**

### **5. RE-APPROACH PHASE**

- 5.1. As with any canvassing phase, analysis of the answers to the canvas questionnaire was undertaken in order to identify whether any offences had been disclosed as well as to identify potential victims, persons of interest and witnesses. This analysis was undertaken in late December 2013.
- 5.2. As a result 44 of the 110 girls canvassed were identified as remaining of concern. There were three main criteria for girls to be considered of concern at that time.
  - 1) The first criterion involved disclosures made that appeared to meet the threshold of criminal offending.
  - 2) The second criterion was where girls had 'denied' involvement in any sexual activity, yet other girls provided information suggesting otherwise. This involved mainly hearsay reports but on occasions eye witness accounts. Such reports were by way of the informal child focused interview or adult initial interview and so were not formal or evidential in nature.
  - 3) The third criterion involved information received from suspects. Some of the principal suspects presented for interview at the commencement of Op Clover and nominated particular girls as being involved in sexual activity with them, albeit those suspects assert that such sexual activity was consensual.
- 5.3. For those reasons, Police determined that a re-approach should be made to those 44 girls to better assess the disclosures or information and that, where warranted, a formal interview should be requested with the consent of parents /caregivers where under 17.
- 5.4. While this number was high, this is an anticipated and routine phase following any canvassing enterprise.
- 5.5. As part of the re-approach, Police sought to clarify reports in order to either eliminate potential victims or confirm that status. The re-approach phase commenced in January 2014. Police conducted the re-approach phase and utilised CYF Social Workers or HELP Support Workers when appropriate or when additional assistance, support or counselling was required or desired.
- 5.6. Like the initial canvassing phase, the re-approach phase was extensive and intensive. Being January, this phase commenced during the school holidays which ultimately was not of assistance regarding the availability of the girls or their parents/caregivers.
- 5.7. In addition, Op Clover investigators resolved to maintain the child centred timeframe and victim centric approach ensuring that the rights of the girls and their parents / caregivers to consider their options remained paramount as they considered whether to engage in a formal interview and potential prosecution process.



- 5.8. To date, five girls from this group of 44 have provided formal statements to Police. Investigations have been undertaken into the allegations arising out of those statements.

6. **FORMAL INTERVIEW REQUESTS**

- 6.1. While the re-approach phase was able to clarify the information gathered and therefore eliminate many girls from the list of potential victims, concerns remain at the date of this report in regard to 25 girls. Formal interviews have been requested from those 25 girls.
- 6.2. Formal interviews involve the opportunity to conduct a full interview, ascertain fine detail of incidents and produce a formal statement that is recorded in a manner that could be produced in evidence in a prosecution. While a formal statement can be used in evidence, the making of such a statement does not necessarily mean that a formal complaint is being made or that the interviewee wishes to pursue a prosecution.
- 6.3. All girls approached to undertake a formal interview were advised of the interviewing process involved which varied depending on their age. The evidence assessment and prosecution decision processes were also explained to the girls / parents / caregivers.
- 6.4. Where a girl was under 17 years of age their parent / caregiver was also involved in the decision making. If a girl consented to a formal interview a support person would also be present through the process.
- 6.5. Many of the 25 girls, and where appropriate, their parents / caregivers engaged in several meetings over many months with Police to discuss their options and the process involved in making a formal statement and or formal complaint. During this time many girls did discuss their experiences with Police and or CYF or HELP, although still in an informal and evidentially inadmissible manner.
- 6.6. Reasons for not wishing to engage in a formal reporting or complaint process were varied, however three main themes emerged:
- 1) Young person's view of 'consent,' and their perceived culpability in consenting to some of the activity informally disclosed (refer section 7.3), or
  - 2) Not wishing to be subject to the prosecution process or give evidence in court, and
  - 3) An issue of great importance was communicated to the Op Clover team time and time again. There was, and still is, an over-riding concern raised by these girls and their parents/caregivers. That was the fear of bullying and harassment by their peers as well as the fear of being exposed in the media. There was sufficient information available that confirmed those fears as reality. Such a reality was not going to be ignored by these girls parents/caregivers when making decisions in regard to providing formal statements.

- 6.7. Ultimately, the 25 girls declined to engage with Police and their parents / caregivers supported their daughters in their decision not to provide formal statements or make formal complaints.
- 6.8. As at the date of this report, Police have formally closed the files for 23 of the 25 girls. Enquiries continue in attempt to locate the remaining two girls to advise them of such.
- 6.9. As part of the closing process the girls, and where appropriate their parents/caregivers, were informed (personally and in writing) that Police and CYF remain available to anyone who wishes to make a formal statement or simply seek advice and or counselling and that a formal complaint is not required in order to access counselling services. Additional counselling contact numbers and support material was also provided at this time. In addition, they have been advised that there is no time limit should they wish to disclose at a later date.

## **7. OFFENCES**

- 7.1. The canvassing, re-approach and formal interview phases identified possible offences for consideration and whilst no offence was excluded, the principal offences identified and considered within the Op Clover investigation were:
  - 1) Sexual Violation (Rape and Unlawful Sexual Connection), S128B Crimes Act 1961 – punishable by a maximum 20 years imprisonment
  - 2) Sexual Conduct with young person under 16, S134 Crimes Act 1961 – punishable by a maximum of 10 years imprisonment
- 7.2. Without wishing to engage in a legal analysis of sexual assault offending, the key element to consent in sexual activity (S128 Crimes Act 1961) is that the offender commits an offence if the other person does not consent to the sexual act, and the offender commits the act without believing on reasonable grounds that the other person consents to that act. The burden of proving the lack of consent on both aspects falls to the prosecution.
- 7.3. In regard to the offence of Sexual Conduct with young person under 16 (S134(5) Crimes Act 1961), while the girl could be charged as a party to this offence if the sexual act was consensual and the male is also under 16 years of age, the girl cannot be charged if the male was over 16 years of age. In addition, S134A provides a defence in regard to steps taken to ascertain that a girl is over 16 years of age.
- 7.4. Circumstances that do not amount to consent in sexual activity are outlined in S128A of the Crimes Act 1961, and include the inability to consent if someone is unconscious (S128A(3)), or so affected by alcohol that (in this case) she cannot consent or refuse to consent to that activity (S128A(4)).
- 7.5. The principal ingredient at issue in all Op Clover cases is that of consent, including the ability of the girl involved to give consent due to the effects of alcohol consumption and / or the male party's reasonable belief as to whether there was consent.

## 8. FORMAL COMPLAINTS INVESTIGATED

8.1. Whilst it is not the intention of this report to canvas the details of formal complaints made it is considered relevant to provide a synopsis of those.

### 8.2. Prior cases

As outlined at the beginning of this report, at the commencement of Op Clover there were four Police / CYF files in existence. During Op Clover attempts to further investigate those four matters were made. The results of those attempts, in date order, are:

- 1) One girl, although having provided a formal statement, declined to make a complaint at the time. She has now engaged with Op Clover investigators and has agreed to have her case assessed for alleged offending [REDACTED]
- 2) One girl, who Police suspect was offended against [REDACTED] declined to engage with Police at the time, and has continued in her refusal to engage with the Op Clover investigation.
- 3) One girl has discontinued with her [REDACTED] complaint against [REDACTED] and remains disengaged from the investigation [REDACTED]
- 4) One girl, having initially made a formal complaint at the time concerning [REDACTED] has refused to engage with the Op Clover investigation [REDACTED]

### 8.3. New complaints

- 1) The Op Clover investigation identified a [REDACTED] incident where Police responded to a report of sexual assault, however upon attendance the victim involved did not wish to engage with Police in regard to the incident and no further action was taken. As a result of an approach by Op Clover investigators the victim did undertake a formal interview and made a formal complaint.

This case has been referred to the IPCA as part of their review of previous cases and is included in the following breakdown.

- 2) As a result of Op Clover investigations, a further five complaints, involving six incidents, have been received and each girl involved has agreed to have her complaint assessed for alleged offending:
  - 1) One complaint involves two incidents and is [REDACTED] in one incident, and then [REDACTED] in another. Therefore this has been referred to as two complaints [REDACTED]
  - 2) One complaint is [REDACTED]
  - 3) One complaint is [REDACTED]
  - 4) One complaint is [REDACTED]



5) One complaint is [REDACTED]

## 9. INDEPENDENT LEGAL ADVICE

- 9.1. Given the complexities involved in each case, all seven victims have been offered independent legal advice. At the time of this report five of the seven victims have taken the opportunity and have met with an independent legal adviser.
- 9.2. The Auckland Law society was contacted by Police and provided a selection of lawyers who had experience in youth advocacy as well as sexual assault trials.
- 9.3. The independent legal advisers have been charged with providing advice to the victim concerned and her parent / caregiver and will communicate with Police on behalf of the victim if considered necessary. However those legal advisors will not be engaged in assessing the complaint for sufficiency of evidence and are not privy to the evidence in each case, other than the victim's statements.
- 9.4. While the final decision to charge rests with Police, it is considered appropriate, given the high public interest and complexities of each complaint that the victims be afforded the opportunity to receive expert and independent legal advice.
- 9.5. [REDACTED]

### **PART THREE – PERSONS OF INTEREST and SUSPECTS**

#### **10. PERSON OF INTEREST PHASE**

- 10.1. As this was a multi-phased enquiry, Police were also focused on identifying members of the suspect group. In order to do so the canvassing of the girls contained questions aimed at identifying potential members of this group as well as the activity in which they were allegedly involved.
- 10.2. A large number of males were named by girls canvassed and while a large amount of information provided was hearsay in nature, and therefore not necessarily admissible in evidence, the information received about sexual activity was sufficiently concerning that Police determined that it was necessary to interview those males.
- 10.3. In addition, the suspects who provided statements to Police at the commencement of Op Clover also provided names of other males involved in the sexual activity, although contending that such activity was consensual in nature.
- 10.4. As a result Police collated a list of males for potential interview, referred to as a 'person of interest' list.
- 10.5. Persons of interest are considered in a different category from that of suspects. To date, the suspects featured in Op Clover number five males. Suspects are males against whom formal complaints of sexual offending have been received by Police, whereas formal complaints had not been made in regard to the other males. However their behaviour was 'of interest,' and warranted further enquiry. The suspect phase is discussed in the following section.
- 10.6. In January 2014 Police commenced interviews of males categorised as 'persons of interest.' The person of interest list numbered 30 males. Twenty two persons of interest were interviewed; four were unable to be identified; three refused an interview, and one is overseas at the time of this report.
- 10.7. Again, the school holiday period and the natural reluctance by this group to engage with Police meant that this phase was also extensive and traversed the months of January, February and March 2014 as Police worked with each person of interest to confirm and keep appointments.
- 10.8. The majority of persons of interest denied involvement in the suspect group or any related sexual activity. However, it must be noted that several persons of interest provided Police with sufficient background information and details of some incidents that have been of assistance to the Op Clover investigation.
- 10.9. [REDACTED] provided information sufficient to constitute admissible eye witness and hearsay evidence in regard to formal complaints made against individual suspects.
- 10.10. [REDACTED] of the persons of interest interviewed made any form of acknowledgement of being involved in any sexual activity and [REDACTED] contended that such sexual activity was consensual in nature. [REDACTED] girl involved in the incidents to which those admissions were made will provide Police with a formal statement - as is their prerogative. Therefore there is insufficient

information or evidence to hand for Police to determine whether the sexual activity acknowledged amounts to a breach the criminal law.

- 10.11. [REDACTED] provided what could amount to eye witness or admissible evidence in regard to the sexual activity of other males. However none of the girls to whom those sexual incidents relate will provide Police with a formal statement. Again, there is insufficient information, or evidence for Police to determine whether the sexual activity described amounts to a breach the criminal law.
- 10.12. Two persons of interest were under the age of 17 years of age at the time of interview. The oldest person of interest interviewed was 25 years of age at the time of interview.
- 10.13. Police acknowledge that the basis for interviews of the majority was hearsay and rumour and wish to make it clear at the time of this report that there is little evidence in existence to accuse the majority of persons of interest of being engaged in criminal sexual offending.
- 10.14. Unless or until such time as further evidence comes to light, including the making of formal complaints, no further action will be taken in regard to those males featuring on the Persons of Interest list.

## 11. **SUSPECT INTERVIEWS**

- 11.1. Five males were named as suspects. [REDACTED]
- 11.2. Several of the suspects were subject to interview preceding Op Clover. In addition, at the commencement of Op Clover in November 2013, two suspects voluntarily reported to Police for interview. During those interviews the two suspects provided Police with their versions of events and in particular were adamant that all sexual interactions were consensual in nature.
- 11.3. Both suspects provided Police with names of girls with whom they had sexual interaction and one suspect estimated his sexual interactions at about 10 girls whilst suggesting that two other suspects interacted sexually with about 20 girls.
- 11.4. The suspect interview phase occurred in April 2014. All suspects for the seven formal complaints were invited to participate in formal interviews with Police.
- 11.5. Three of the suspects agreed to participate in formal interviews with Police, and two declined.
- 11.6. Four of the suspects were 18 years of age when interviewed or approached for interview. One suspect was 20 years of age at the time of interview.
- 11.7. While Op Clover investigators learned about a lot of sexual activity that they believe could have amounted to offending during the canvas and re-approach phases, it is acknowledged (as outlined earlier) that those incidents were shared with investigators with the understanding that their accounts would be protected from disclosure as part of the child focused interview/adult initial interview as an informal account and as such were not evidentially admissible.



- 11.8. In addition, and in accordance with the principles of preserving privacy and ensuring the well-being of the girls involved (child protection protocol and adult sexual assault protocol's) agreements were made with each of those girls to protect their privacy and not to disclose such allegations or the girls' names to the suspects until such time as they decide to make formal complaints.
- 11.9. In order to honour the rights of the girls concerned, Police restricted the interviews of the suspects to three categories: formal complaint made; suspects' own admissions; and eye witness accounts by person of interests.
- 11.10. This approach afforded Police the opportunity to discuss with suspects sexual activity which was reliant on their own prior admissions, male associates admissions, or eye witness accounts rather than only formal complaints made. In doing so the privacy and rights of each girl not to have any informal disclosures shared was honoured.
- 11.11. The suspects were interviewed on a range of complaints as follows:
- 1) One suspect was interviewed in regard to [REDACTED] complaints, encompassing the years: [REDACTED]
  - 2) One suspect was interviewed in regard to [REDACTED] complaints (involving [REDACTED] encompassing the years: [REDACTED])
  - 3) One suspect was interviewed in regard to [REDACTED] [REDACTED] encompassing the year: [REDACTED]
  - 4) One suspect declined to be interviewed in regard to [REDACTED] complaints, encompassing the years: [REDACTED]
  - 5) One suspect declined to be interviewed to regard to [REDACTED] complaints, encompassing the years: [REDACTED]
- 11.12. At the conclusion of interview, or declined interview request process, each suspect was advised that their explanations (if provided) would be considered and that a decision as to prosecution would be made in due course.
- 11.13. Police also determined that it was important that each suspect was advised that there were a number of girls who were still considering whether they wished to make a complaint about sexual behaviour that occurred. The suspects were not advised of the number of girls for whom Police held concerns.
- 11.14. The suspects were also advised that there was no time limitation for those girls and their parents in considering whether they wished to make a complaint and that if or when any further complaints are made Police will assess those complaints and are likely to seek an explanation from each suspect named.
- 11.15. The suspects were also advised that any attempt by them, or other people on their behalf, to contact those girls or their families to discuss their position may well be considered as an attempt to pervert the course of justice and the Police would investigate any such contact.

## 12. **POTENTIAL FUTURE COMPLAINTS**

### 12.1. **Continuing Concerns**

- 1) As outlined in section 6, Police and CYF remain concerned about 25 girls who have declined to speak formally to Police or CYF about their experiences. Op Clover investigators gleaned sufficient information by way of informal disclosures to estimate that there are [REDACTED] potential criminal incidents concerning those 25 girls.
- 2) Those incidents potentially fall into the two offence categories of sexual assault (including sexual violation, S128B Crimes Act 1961) and underage sex (sexual conduct with young person under 16, S134 Crimes Act 1961). However it is important to note that there is insufficient admissible evidence to categorise those incidents as alleged offending at this time.
- 3) Analysis of information to hand allows Police to further estimate that [REDACTED]
- 4) [REDACTED]
- 5) [REDACTED]
- 6) [REDACTED]
- 7) It must be acknowledged that while the principal suspects have not been interviewed with regard to the above suspected incidents, in general terms the suspects concerned are adamant in their position that consent was given for all sexual acts.
- 8) Police acknowledge that there is insufficient admissible evidence in existence at this time to determine criminal liability in regard to the activity informally disclosed and until such time as further evidence is obtained no further action will be taken in regard to these suspected incidents.

### 12.2. **Investigating without complaint**

- 1) As part of Op Clover an investigation into one of the prior cases [REDACTED] as referred to in section 8.2 was recommenced without complaint and attempts were made to interview the suspects and persons of interest on this matter.

2) Although the girl concerned refused to speak to Police, evidence was gathered in relation to incidents such as the magnitude, seriousness, [REDACTED] of the alleged activity.

3) The mother of the girl concerned was advised and in agreement with this approach.

4) [REDACTED]

5) [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

6) Although circumstantial evidence has been obtained in support of any future complaint, the girl concerned remains adamant in her refusal to engage with Police or CYF on the subject. Police and CYF continue to engage with her mother however.

7) [REDACTED]

8) [REDACTED]

9) [REDACTED]

[REDACTED]

10)

11)

[REDACTED]

12) Many persons of interest during interview acknowledged that they knew that [REDACTED] occurred, however the majority stated that they had only heard of those occurrences in a hearsay fashion and that they believed them to be consensual.

13)

[REDACTED]

14) It has been agreed between Police, CYF and her parent that it is not in this girl's best interests to proceed any further without her engagement. The evidence collated will be held until such time as she wishes to pursue a formal complaint.

### 13. GROUP DYNAMIC – MODUS OPERANDI (MO)

13.1. It is difficult to apportion leadership to the suspect group dynamic over a three year period. Canvassing, informal reporting and suspects' own statements tend to indicate that the group membership was larger than those persons of interest interviewed have acknowledged. There are accounts that describe males moving away from this group of friends over time.

13.2.

[REDACTED]

13.3.

[REDACTED]

13.4.

[REDACTED]

13.5.

13.6. It is also apparent that there was a high degree of boasting and storytelling, combined with shared disclosures of alleged sexual offending over the three year period that fed into the infamy of this group amongst the teenage set and assisted in the normalising of this particular brand of group sexual behaviour.

13.7. While it would appear from the canvassing accounts that some males came and went, or were in the periphery of this group, it is clear that there were two males with longevity in the suspect group. It is noted that it was they who engaged in the boasting and naming of girls on-line that lead to the Op Clover investigation.

#### 14. **RELATIONSHIP BETWEEN PARTIES**

14.1. It is also difficult to determine the relationship between the suspect group and girls canvassed other than it is largely peer group based. West Auckland schools are the obvious links across the peer group, and there appears to have been a moderate amount of movement between schools amongst this peer group which may have extended the members of the suspect group's reach within this wider peer group. One suspect moved schools regularly and many girls had moved schools following bullying and harassment which occurred online as well as in person.

14.2. Evening and weekend activities as well as parties appeared to be the occasions when the activity under investigation took place rather than at schools.

14.3. Undoubtedly there were friendships amongst the 110 girls canvassed, and amongst the 30 persons of interest interviewed as well as friendships between all groups.

#### 15. **RESEARCHING SUSPECT/OFFENDER MOTIVATION**

15.1. While it is not intended to provide an exhaustive or indeed detailed research account of offender or suspect motivation in regard to youth sexual offending, particular research as provided by the Police Criminal Profiling unit was of interest in understanding the mind-set of group sexual offending by young males, including:

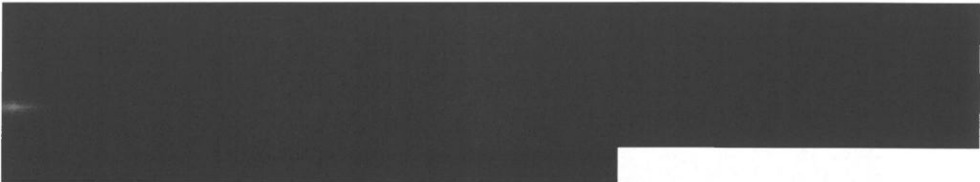


- 1) overcoming and coercing consent; the prevalence and misuse of alcohol in youth sexual offending;



- 2) acquaintance rape and the reluctance of victims to formalise a complaint;
- 3) binge drinking, sexual abuse, bullying and suicide attempts.

References for the research papers considered particularly relevant to the Op Clover investigation are contained at the rear of this report.

## **16. LEGAL REVIEW and POLICE DECISION**

- 16.1. A legal opinion, provided by the Auckland Crown Solicitor, has considered the evidence in respect of the eight complaints relating to seven victims.
- 16.2. At the conclusion of the investigation, and for a range of reasons, Police have determined not to initiate any criminal proceedings.
- 16.3. 
- 16.4. 
- 16.5. 
- 16.6. Should any further complaints be received after the date of this report they will be subject of an appropriate assessment and potential investigation. Suspects will be afforded the opportunity to provide their account and each complaint will be assessed on its merits in accordance with the Solicitor-General's Prosecution Guidelines.

#### PART FOUR – INVESTIGATIVE SUPPORT PHASES

##### 17. SEARCH WARRANTS and PRODUCTION ORDERS

17.1. [REDACTED]

17.2. [REDACTED]

17.3. [REDACTED]

18. [REDACTED]

18.1. [REDACTED]

18.2. [REDACTED]

18.3. 'Facebook' and 'askfm,' social networking sites were the principal internet based sites that provided Police with information concerning potential victims, witnesses and suspects. Assistance in accessing and recording and saving data from the internet was provided by the Police Online Child Exploitation Across New Zealand (OCEANZ) staff as well as the Auckland Police Child Exploitation Unit (CET) who are proficient in this type of investigative work.

18.4. [REDACTED]

18.5. [REDACTED]

18.6. The Police Electronic Crime Lab assisted as required in regard to accessing computer equipment.

## **PART FIVE – RESOURCING, MEDIA AND IPCA**

### **19. RESOURCING**

- 19.1. All three agencies (CYF/HELP/Police) are practised and skilled in mass allegation investigations, the child focused interview process and adult initial interview. It was agreed that large numbers of staff deployed to engage in the canvas visits was not the desired approach. Instead a scripted and therapeutic approach, enabling consistency in contact and support whilst affording the parent or girl time and space to consider their options was considered to be the better approach.
- 19.2. Accessibility was also considered very relevant when contacting and bonding with girls and families. CYF also had a number of agencies to draw from across the Waitakere and Waitemata regions in regard to support services for girls and families. CYF would engage those agencies as the contact and child focused interview's progressed and / or were required for those under 17 years of age.
- 19.3. All agencies agreed that a team of 5 CYF / 5 Police (10) was sufficient to attend to initial phone contact and scheduling of meetings. An additional two Police investigators were seconded to Op Clover to assist with the canvassing of girls aged over 17 years along with HELP support workers.
- 19.4. Anticipating natural reluctance and delays due to exams and the holiday period, all agencies involved agreed that this was the ideal number to conduct the contact phase and carry out the required interviews. They agreed that this approach should be continually reassessed depending on what kind of disclosures were forthcoming and whether follow up meetings/counselling were required.
- 19.5. Additional specialist staff, such as specialist child or adult interviewers would be engaged as and when required should formal interviews proceed. Both interviewing groups were well practised in sharing workload and working together across wider Auckland as part of their normal business.
- 19.6. Ultimately additional staff were not required during the canvass and re-approach phases due to the time taken by families in making themselves available for the canvas meetings.
- 19.7. The same staffing resource for the person of interest phase was also found to be sufficient. By the time Police were ready to commence person of interest interviews, and other naturally occurring enquiries during Op Clover, the meetings with the girls and families had been scheduled. Police were therefore able to manage the additional person of interest appointments in a concurrent fashion. In addition, best practice would have investigators with detailed knowledge continuing on with person of interest and suspect interviews where able.
- 19.8. At its peak the Police component of Op Clover comprised: 1 x Detective Inspector, 1 x Detective Senior Sergeant, 1 x Detective Sergeant, 10 x Detectives, including additional specialist interviewers as required.
- 19.9. CYF supplied social workers over and above the initial five assigned as and when required in support of those girls under 17 years of age and continue to do so.

**20. MEDIA**

- 20.1. From the commencement of the Op Clover investigation media groups demanded regular updates and seemed to expect such from Police. This expectation has continued to the present day.
- 20.2. Whilst acknowledging the public interest in this investigation, it was the position of all three agencies that public discussion of the investigation progress (disclosure of the number of complaints made or females or males being interviewed) would not be made in order to protect the rights of the girls being canvassed should a potential victim be inadvertently identified. That decision extended to all aspects of the Op Clover investigation.
- 20.3. Discussions with parents/caregivers and the girls involved re-confirmed the appropriateness of this approach. In addition it was agreed that the rights, privacy, health and wellbeing of these girls and their families were to remain paramount and it was agreed that it was imperative that each girl, and their parents/caregivers, were afforded the time, space and privacy to navigate their way through this process. It was further agreed that this could not be done in the public glare of the media.
- 20.4. It was acknowledged that, once contact and canvassing started, the girls, and or families, may have wished to speak publicly of such visits, including discussion on social networking sites. For the reasons outlined, it was determined that advice would be given not to do so. In the main the girls and their families took this advice.

**21. INDEPENDENT POLICE CONDUCT AUTHORITY – IPCA**

- 21.1. During the course of the Op Clover investigation, the IPCA has been engaged in two reviews. One in regard to the handling of the media and the other in regard to the handling of the original four investigations (2011-2013).
- 21.2. On the 22 May 2014 the IPCA released its report in regard to the handling of the media and at that time advised that while their report into the handling of the prior investigations is complete it will not be released until the Op Clover investigation is concluded in order not prejudice the Police investigation

## 21.3. PART SIX – RESEARCH, EDUCATION AND PREVENTION

### 22. BREAKING THE SILENCE BUT KEEPING SECRETS – HELP and Tu Wahine Trust research project

- 22.1. Coincidental to the commencement of the Op Clover investigation a significant research paper *Breaking the Silence but Keeping Secrets: What Young People Want to Address Sexual Violence*<sup>1</sup>, concerning teen sexual assault and abuse was released. The Auckland Sexual Abuse HELP Foundation in partnership with Tu Wahine Trust had been engaged in a three year review of teen sexual assault and abuse, aiming to identify the needs of young people affected by sexual abuse or assault in order to support improvement to services for sexual abuse victims/survivors.
- 22.2. In conducting this research 222 young people participated in focus groups as well as the involvement of stakeholders and service providers (*Breaking the silence but keeping secrets, page v*).
- 22.3. Key findings as outlined in the Executive Summary of *Breaking the silence but keeping secrets* and considered relevant to Op Clover are:
- i. "Understanding the needs of adolescent survivors of sexual assault is vital
  - ii. Evidence shows that adolescents tend to minimise sexual violence incidents, and a number delay disclosure, or do not disclose or report assault and abuse at all
  - iii. ....it appears that many young people do not access the support they need and instead attempt to resolve the problem on their own or with the help of friends
  - iv. ...lack of awareness of services is compounded by other factors such as a deep distrust of professionals, which is fuelled by fears of loss of confidentiality and may be impacted by cultural and religious beliefs...
  - v. Many of the young people struggled to envisage an example where the victim would not have been responsible for what had happened and believed their parents would see them as blameworthy too
  - vi. This internalisation appeared to trigger a deep sense of self blame, embarrassment, and shame, and consequently presents a powerful barrier to disclosure
  - vii. This is particularly concerning given that the young people who had experienced abuse said they felt a profound sense of relief following disclosure
  - viii. ...young people are most likely to disclose to friends. Overall it appears the young people have low expectations of adults and a deep distrust of the adult world. They believe that adults will take over and do what they think is best, with little regard for their wishes. Many showed a deep distrust of school nurses and counsellors saying that they have a reputation for breaching confidentiality and telling other staff or family members about matters that students have regarded as private,"
- (*Breaking the silence but keeping secrets, page v-vi*).

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<sup>1</sup> Formal citation/references at rear



- 22.4. The barriers to disclosing to people in authority, as outlined in this research paper, were the same issues experienced by Op Clover investigators and social workers and had a bearing in the limited number of formal disclosures made. It is clear that the challenges faced in overcoming such barriers will require further consideration by the multitude of agencies involved in responding to sexual assault and abuse as well as those agencies charged with engaging in education and prevention campaigns.
- 22.5. Unfortunately, despite a concerted and protracted effort, Op Clover investigators were not able to overcome the barriers to disclosure affecting these girls.

## **23. EDUCATION**

### **23.1. Prevalence of alcohol**

- 1) The prevalence of alcohol in the lives of the teenagers interviewed, male and female, was a concern to the Op Clover team. There was regular mention of parties in which hard liquor was consumed by teenagers as young as 13. The level of inebriation described during informal disclosures, including becoming comatose, was shocking to hear. The presence of supervising adults at such parties did not seem to be a regular occurrence.
- 2) In one account the suspect group set up base at a friend's home during an extended period of absence of the parents of that friend. Notably that friend was meant to be staying with relatives. It is reported that a number of unsupervised parties were held at this location and a significant amount of alcohol was consumed and numerous incidents of sexual activity are believed to have occurred there.
- 3) Drinking games such as 'spin-the-bottle' were referenced and it was often an expectation that a serious sexual act took place rather than a 'kiss' that may have historically been associated with such a game.
- 4) It is clear that continuing education of young people is required in regard to the negative effects of alcohol as well as continuing education campaigns targeting parents/caregivers highlighting their responsibilities in this regard.

### **23.2. Consent**

- 1) There was also a poor understanding amongst the males and females spoken to as to what 'consent' was, with many not appearing to understand what could impair the ability to form or give consent. Similarly there was poor understanding by these teenagers as to the role alcohol consumption played in potentially negating the ability to give informed consent to sexual activity.
- 2) Notwithstanding the eight complaints, it was also clear that teenagers are not clear on the law in regard to 'underage sex,' as it is colloquially known (Sexual Conduct with young person under 16, S134 and 134A Crimes Act 1961). Young people appeared to erroneously believe that if both young people were aged under 16 then consent was not an issue.

- 3) It is suggested that sexual education programmes may be enhanced by raising the emphasis around the issues of consent particularly when linked to alcohol and drugs and the ability of individuals to provide informed consent.

## **24. EDUCATION CAMPAIGN – PREVENTION**

- 24.1. As a result of the issues investigated by Op Clover, Police and Ministry of Education commenced an education campaign in schools at the commencement of the 2014 year titled 'Love me Not,' which focuses on educating young people in regard to issues experience in exploitative peer-based relationships.

25. As at the date of this report investigation outcomes were:

Canvassing	
110	girls canvassed
66	girls eliminated following canvassing
44	girls re-approached for clarification
14	of the 44 girls were eliminated upon re-approach
5	of the 44 girls re-approached provided formal interviews and made formal complaints
25	girls declined to provide formal statements however are believed to have been the victims of some form of sexual offending

	potential criminal incidents suspected to have occurred in regard to those 25 girls
--	---

[illegible]

\_\_\_\_\_

	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

**Victims**

7	girls in total made / continued formal complaints to Police
2	of the 7 were girls involved in the prior investigations who re-engaged with Police
5	of the 7 were girls identified through Op Clover canvassing

**Persons of Interest:**

30	males were identified as Persons of Interest
22	were interviewed
4	were unable to be identified
3	refused to be interviewed
1	is overseas
2	were under 17 years of age at time of the interview phase
28	were over 17 years of age at time of the interview phase
25	was the age of oldest person of interest interviewed

**Suspects**

5	males were named as suspects
3	agreed to interview
2	declined interview
4	of the suspects were 18 years of age at the time of interview
1	of the suspects was 20 years of age at the time of interview

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## REFERENCES

- Bijleveld, C., Weerman, F., Looije, D., & Hendriks, J. (2007). *Group Sex Offending by Juveniles: Coercive Sex as a Group Activity* <http://euc.sagepub.com> at Uni of Auckland Library on June 23, 2010
- Fergusson D.M., Lynskey, MT. (1996). *Alcohol misuse and adolescent sexual behaviours and risk taking* Paediatrics, 98(1): 91-96)  
<http://pediatrics.aappublications.org>
- Fortune, S., Watson, P., Robinson, E., Fleming, T., Merry, S., & Denny, S., (2010). *Youth '07 The Health and Wellbeing of Secondary School Students in New Zealand Report: Suicide behaviours and mental health in 2001 and 2007*. Auckland: The University of Auckland.
- Muram, M,D., Hostetler, B,R., Jones, C,E., & Speck, P,M. (1995). *Adolescent Victims of Sexual Assault*, Journal of Adolescent Health, 17:372-375 Elsevier Science Inc, New York.
- Woodley, A., Davis, R, & Metzger, N. (2013). *Breaking the Silence but Keeping Secrets: What Young People Want to Address Sexual Violence*, (Tu Wahine Trust and HELP (Auckland Sexual Abuse HELP Foundation): Auckland [www.helpauckland.org.nz](http://www.helpauckland.org.nz)).