



PARLIAMENT OF THE COOK ISLANDS

Public Accounts Committee

16 June 2017

Honourable Speaker
Office of the Speaker of Parliament
Parliament of the Cook Islands
Nikao, Rarotonga
COOK ISLANDS

Honourable Speaker

RE: PARLIAMENT PAPER NO. 103: PAC REPORT 1-2017

Pursuant to the Terms of Reference of the Public Accounts Committee, I have the honour to present the Committees Report on the Evidence Session with the Commissioner of Police regarding:

1. *Police handling of monetary evidence (Case CR: 246-248/2013)*
2. *Police Review - Independent & Comprehensive Review of a Violent Incident in Rarotonga, Cook Islands on 18-19 October 2016.*

I have the honour, Madam Speaker, to be your obedient servant,

A handwritten signature in black ink, appearing to read "Mona Ioane".

Hon. Mona Ioane
Chairman
Public Accounts Committee



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PARLIAMENT OF THE COOK ISLANDS

Paper No. 103



Public Accounts Committee

Report on Evidence Session: Thursday 4 May 2017

1. *Police vs Davinia Webb Case CR: 246-248/2013*
2. *Police Review - Independent & Comprehensive Review of a Violent Incident in Rarotonga, Cook Islands on 18-19 October 2016.*

**PAC Report No. 1-2017
18 May 2017**

Public Accounts Committee Members

Chairman	Mr Mona Ioane, MP Member for Vaipae-Tautu
Deputy Chairman	Mr James Beer, MP Member for Murienua
Members	Mr Tekii Lazaro, MP Member for Pukapuka-Nassau
	Mrs Ngamau Munokoa, MP Member for Nikao-Panama
	Mr Tai Tura, MP Member for Mauke
	Mr Tangata Vavia, MP Member for Mitiaro

Committee Staff

Committee Clerk	Mr Tangata Vainerere Executive Director Pacific Legislatures for Population and Governance
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Parliament Leadership

Speaker	Mrs Niki Rattle
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Public Accounts Committee

Report on Evidence Session Thursday 4 May 2017

- 1. Police vs Davinia Webb Case CR: 246-248/2013*
 - 2. Independent & Comprehensive Review of a Violent Incident in Rarotonga, Cook Islands on 18-19 October 2016.*
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PAC Report No. 1-2017

Presented by

Mr Mona Ioane, MP

Laid on the Table of Parliament on 19 June 2017

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SUMMARY OF RECOMMENDATIONS

The following is a list of all the recommendations made by the Public Accounts Committee in respect of the Evidence Session conducted by the Committee on Thursday 4 May 2017 with the Commissioner of Police Mr Maarametua Tetava and Superintendent of Police Mr Akatauiria Clemence Matapo. This summary of recommendations is not intended to stand alone and should be read in conjunction with the PAC NOTES AND RECOMMENDATIONS section of this report which contains the rationales for these recommendations.

Recommendation 1

The Committee recommends that future Police training in forensic investigations be strengthened in order to upskill our local Police Force in forensic investigative techniques.

Recommendation 2

The Committee recommends that the Police Recruits Basic Training Programme be strengthened to include sessions on building character, morale and integrity.

Recommendation 3

The Committee recommends that the Police Salary Structure be reviewed and upgraded immediately, particularly at the lower and middle salary bands as an incentive to boost morale and motivate police officers to uphold the utmost integrity in discharging their duties and to retain them in the service for longer; and

- *the starting salary for Constables coming out of recruitment training be raised to a minimum of \$20,000.00 per annum.*

Recommendation 4

The Committee recommends that Police continue to improve its systems and procedures and effect regular testing of its facilities in order to maintain security and include updates in their Annual Reports to Parliament.

Recommendation 5

The Committee recommends that the Police Leadership Team pursue the path of a Civil Case to recover reparation costs.

Recommendation 6

The Committee recommends that the Ministry of Justice take the necessary procedural steps to facilitate the lawful release of the \$9,000.00 reparation amount owing to the Police before the end of the 2016/17 Fiscal Year.

Recommendation 7

The Committee recommends that Parliament approve the appropriation of an additional sum of \$30,000.00 towards the Police Operations Budget for the Fiscal Year 2017/2018 for the purpose of purchasing additional protective gear and any other priority tactical response kits Police may require to supplement those supplied by the People's Republic of China.

Recommendation 8

The Committee recommends that the Government support Police efforts to source a more suitable tactical response vehicle.

CHAIRMAN'S FOREWORD

This is the first report of the Public Accounts Committee (PAC) in the 48th session of Parliament, tabled as Paper No. 103 (PAC Report 1-2017, 18 May 2017) on 19 June 2017.

Under its mandate, the Committee explored a number of financial management cases involving Government Agencies that warranted the Committee's attention. Three cases were duly identified for examination by the Committee:

1. Police versus Davinia Webb (Theft as a Servant)
- Case CR NO: 246-248/2013
2. Special Review Report on mismanagement of funds at the Business Trade and Investment Board (BTIB) - Parliament Paper No. 43, 27 May 2015
3. Special Review Report of Management of Ministry of Cultural Development (MOCD) and 2015 Te Maeva Nui (TMN) - Parliament Paper No. 76, 12 June 2015.

This report outlines the evidence session conducted by the Committee on Thursday 4 May 2017 concerning the POLICE v DAVINIA WEBB case CR NO: 246-248/2013. The other two cases are reported on separately to Parliament as Paper No. 104 (Evidence Session with BTIB CEO) and Paper No. 105 (Evidence Session with Secretary of MOCD). A follow-up to the BTIB hearing is also reported separately to Parliament as Paper No. 106 (Evidence Session with BTIB Board Chairman).

Background

In what was our very first public hearing, the Commissioner of Police, Mr Maarametua Tetava appeared before the Committee as the key witness. He was accompanied by Superintendent of Police, Mr Akatauira Clemence Matapo. The hearing was open to the general public and the media.

The Committee's inquiry centred around the court judgement by Chief Justice Tom Weston dated 19 September 2014 relating to the theft of \$24,670.05 that was in police custody, by the former officer while she was on duty in 2011.

The accused, who was earlier sentenced for taking \$9000 from the infamous "Bonny" yacht crime scene in 2011, stole money in different currencies that had been sealed in the police exhibit room.

The money was confiscated from local business owners who were under investigation and police had to pay back the sum after the investigation proved futile.

PAC History

The PAC was established by Parliament through Motion No. 3 as notified by Order Paper 17 on 14 December 2015:

"To be the financial oversight of Parliament and to report on the Budget and Public Accounts, and also to examine reports of the Auditor General and any such report and to undertake any financial matters deemed necessary and to report all findings to Parliament."

The Committee Process

Responding to questions from the Committee, the Commissioner assured the Committee that despite the constraints they faced, police services had not and would not be compromised in the future.

I am pleased with the presentation made by the Commissioner and his Assistant. It has given the Committee a clear picture of what the police had done to improve their systems following the 2011 theft incident.

The Committee inquiry through a series of probing questions posed by the members was directed mainly at policy systems and other issues to improve police operation and curb incidents of misconduct involving members of the police department.

Through the inquiry, we heard that following the 2011 incident, the Cook Islands Police Service had an internal review conducted by their counterparts from Australia. We also heard that Police have already implemented, some of the processes and procedures that were recommended in the review, of handling property and exhibits confiscated by police from the scenes of crime.

Our purpose was to consider how we can improve the police systems and procedures, identify what can be done more effectively and consider how Parliament can assist.

By leave of the Committee, the Commissioner and the Superintendent also made an additional presentation on the Matapo/McDermott Review Report on the Violent Incident that took place in Rarotonga on 18-19 October 2016.

The outcomes of the Committee's deliberations on the Matapo/McDermott Review Report is listed as Notes 30 to 36 in this report and carried two specific recommendations (Recommendations 8 & 9).

Hansard reports on PAC Evidence Sessions are available on request to the Committee Clerk.



MR MONA IOANE, MP
CHAIRMAN

PAC NOTES AND RECOMMENDATIONS

The Investigation

1. The Committee acknowledges that this was a very difficult and challenging investigation as the offender was a Police Officer who at the time was a member of the Detective Branch and getting an admission out of her wasn't easy.
2. The high level of difficulty and the intensive nature of the investigation meant that the Police were forced to use forensic and other evidence to link her to the cases.
3. The investigation was eventually carried out on behalf of the Police by an investigative team comprising a Detective Sergeant and Sergeant from the New Zealand Police Force at the request of the Commissioner of Police.
4. Just to make sure that the investigation was conducted thoroughly and to the highest standard possible, the Commissioner also requested an Australian Federal Police Officer, a Detective Sergeant to come down and peer review the investigation carried out by the New Zealand Police.
5. The peer review concluded that the investigation was conducted very thoroughly much to the satisfaction of the Police Leadership Team.

Recommendation 1

The Committee recommends that future Police training in forensic investigations be strengthened in order to upskill our local Police Force in forensic investigative techniques.

Recommendation 2

The Committee recommends that the Police Recruits Basic Training Programme be strengthened to include sessions on building character, morale and integrity.

Police Salary Structure

6. The accused was a constable on a low salary scale at the time of the incident which may have been a contributing factor to the incident under question.
7. The Committee was totally dismayed at the state of Police salaries and wish for the situation to be rectified as a matter of urgency.
8. The Commissioner advised that Police Constables at the completion of their 12 weeks recruitment training are paid a gross salary of \$14,000 per annum and stay on that salary for a very long time until they get a promotion. He thought that the low "salary could have been a factor" that may have led to the theft by the former officer.

9. The Commissioner also advised that they have submitted countless proposals to Government over the last 5 years for salary adjustments but all these proposals have been declined by the MFEM Budget Support Group.
10. By contrast to the Cook Islands starting salary of \$14,000.00 for Police Constables, the New Zealand Constables coming out of recruitment training starts on \$58,000 per annum.
11. The Commissioner advised that the Police Force had a huge staff turnover rate that affected morale and the cost of training of recruits was also punitive. The percentage of staff turnover was in one week up to six staff had resigned.
12. The Commissioner responding to questions by the Committee advised that the majority of recruits were from the Outer Islands and Rarotongan recruits were few in comparison. The salary level was potentially one of the key reasons for the reluctance to join the Force.

Recommendation 3

The Committee recommends that the Police Salary Structure be reviewed and upgraded immediately, particularly at the lower and middle salary bands as an incentive to boost morale and motivate police officers to uphold the utmost integrity in discharging their duties and to retain them in the service for longer; and

- *the starting salary for Constables coming out of recruitment training be raised to a minimum of \$20,000.00 per annum.*

Security of Exhibits

13. The security of the exhibit room at the time of offending by the former officer was deficient which allowed the opportunity to exploit the situation and breach the security of the exhibit room as well as the security safes where the money were kept.
14. Perhaps there may have been some complacency on the part of the Police where procedures were not followed to the full.
15. The exhibit room (and the Police safes) have since been relocated to be close to the Commissioner's Office with limited access to unauthorised staff. That system has been in place since this theft, so that room is very secure.
16. With the funding support of the Australian Federal Police a brand new sliding door, a locking system, burglar alarm, dead bolt lock as well as a CCTV camera system were installed for that new exhibit room.
17. Now, there is only one person appointed to access the exhibit room and that is the Exhibit Officer. So all exhibits go to him before it goes into the Exhibit room. It's very secure, well recorded 24/7. A Police Senior Sergeant was appointed as Exhibit Officer so nothing goes past

into that or out of that office, of the Exhibit Room without his consent. Now that Senior Sergeant has since retired we now have a Sergeant in charge of that.

18. The CCTV camera system is pretty good and at this time Police are working on a new system for the whole station so that's another matter. These improvements are now included in the Police General Instructions.
19. The drug safe which was in the Commander's Office have now been shifted into that Exhibit Room so there is only one Exhibit Room at the Police Station where all our exhibits are stored.
20. Police also opened up an exhibit account with Westpac (now the Bank of the South Pacific) so from that time on all money exhibits were banked with the BSP bank after the notes were scanned in order to retain the serial numbers.
21. The officers responsible for those particular exhibits relating to this case were transferred out of the Criminal Investigation Branch and all of them are now no longer serving in the Police Force.
22. Since the introduction of the new Police Act in 2012 there have been reviews of Police Operations and there's been improvements to policies and general instructions.

Recommendation 4

The Committee recommends that Police continue to improve its systems and procedures and effect regular testing of its facilities in order to maintain security and include updates in their Annual Reports to Parliament.

Sentencing and Victims Reimbursement

23. On 19 September 2014, before Chief Justice Weston, the former officer was sentenced. She pleaded guilty to the charges and she was convicted and sentenced to 2 years imprisonment.
24. Reparation was sought by Police before the sentencing Judge but unfortunately that was not granted.
25. The Police had to resort to using public funds to reimburse the sum of \$24,670.05 to Mr and Mrs Mussell, which was paid out of the 2012/2013 operating account.
26. The payment was a necessary but unfortunate loss to Police Operations. Adjustments to the operations and budget were effected in order to maintain the effective delivery of the various outputs for that year.
27. Police will have to consider taking up a Civil Case against the former officer upon the expiration of her imprisonment term in order to recover the funds paid out to Mr and Mrs Mussell. Consultations are ongoing with Crown Law on this matter.

Recommendation 5

The Committee recommends that the Police Leadership Team pursue the path of a Civil Case to recover reparation costs.

Ministry of Justice Outstanding Reparation

28. The Ministry of Justice owes the Police the sum of \$9,000.00 in reparation from the former Officers earlier offending in 2011.
29. The payment is long overdue and it is desirable that it be paid up as soon as possible.

Recommendation 6

The Committee recommends that the Ministry of Justice take the necessary procedural steps to facilitate the lawful release of the \$9,000.00 reparation amount owing to the Police before the end of the 2016/17 Fiscal Year.

The Matapo/McDermott Review

30. In relation to a special briefing conducted by the Commissioner and his Assistant on the Independent and Comprehensive Review of a Violent Incident in Rarotonga on 18-19 October 2016, the Committee noted the challenging conditions faced by Police during the incident and the inadequacy of the resources available to Police, in particular the ballistic vests and helmets and a more efficient and purpose built Police Command Vehicle, to aid their tactical response to the incident.
31. The Committee fully endorsed the Matapo/McDermott Review Recommendations and commended the Commissioner and his Team for their handling of the incident and their responses to implementing the Review Recommendations to date.
32. The Commissioner indicated that they were not expecting this to happen in Rarotonga and were ill-prepared for such an incident. However, Police did the best they could under the circumstances and many lessons were learnt as a result of the incident.
33. The People's Republic of China have since donated 6 ballistic vests and 4 helmets.
34. In a presentation to Cabinet following the incident, the Commissioner stressed the need for more protective gear for Police to be sourced as a matter of urgency.
35. The Matapo/McDermott Review Report recommended that Police review the efficiency of the command vehicle. The review was completed and the truck was found to be inappropriate for urgent armed response. A request was made by Police for the purchase of a smaller 4WD vehicle for these types of operations. No funds are currently available for this purchase and submissions made for its appropriation in the 2017/2018 Budget has been declined.
36. A summary of the recommendations by the Matapo/McDermott is attached to this report as Appendix Two.

Recommendation 7

The Committee recommends that Parliament approve the appropriation of an additional sum of \$30,000.00 towards the Police Operations Budget for the Fiscal Year 2017/2018 for the purpose of purchasing additional protective gear and any other priority tactical response kits Police may require to supplement those supplied by the People's Republic of China.

Recommendation 8

The Committee recommends that the Government support Police efforts to source a more suitable tactical response vehicle.



MR MONA IOANE, MP
CHAIRMAN

CHAIRMAN'S ACKNOWLEDGEMENTS

1. Commissioner of Police Mr Maarametua Tetava and Superintendent of Police Mr Akatauira Clemence Matapo for their cooperation in taking the time to appear before the Committee.
2. Committee members, Mr James Beer MP (Deputy Chairman), Mr Tekii Lazaro MP, Mrs Ngamau Munokoa MP, Mr Tai Tura MP and Mr Tangata Vavia MP for the collaborative way in which they have worked.
3. Parliament Executive Team of Speaker Mrs Niki Rattle, Clerk Mr John Tangi and Deputy Clerk Mrs Helen Maunga, the Hansard Team as well as the rest of the Parliamentary Services Staff for all the technical and administrative support provided to the Committee.
4. Head of Hansard Mr Isaac Solomona, Corporate Services Head Mrs Ina Pierre, Hansard Staff and the rest of the Parliamentary Services Staff for all the technical and administrative support provided to the Committee.
5. Committee Clerk, Mr Tangata Vainerere, for his guidance and support throughout this inquiry and for the production of this report.
6. Media agencies who were represented at the hearing, including Cook Islands News, Cook Islands Television and Te Kave Korero Programme as well as members of the general public who were present at the hearing.
7. UNDP Pacific Office for its ongoing support to the Committee and to Consultant Rob Oakeshott for empowering us with his immense technical knowledge and vast Committee experience.

APPENDICES

Appendix One: Police Exhibit 1 - PPT Presentation (Webb/Mussell Case)



Christopher William Mussell

- 10 x charges of structuring



MUSSELL Christopher & Akisi

- 10x Structuring charges
- Christopher plead Guilty
- Date: 29th June 2012
- Judge: Hugh Williams J
- Crown: Ms Henry
- Defence: Tony Manarangi

- Monetary Fine: \$11,000.00

Davinia WEBB – Ops Bonny

- 04/01/2012 – Complaint of money missing from the rescued Vessel ‘Bonny’ was reported;
- Investigations revealed family members and WEBB exchanged multiple amounts of US currency at Western Union.
- Feb 2012 – Arrested for Theft as a Servant
- 12th July 2012 - Sentenced



MONEY FROM VESSEL ‘BONNY’

Amount	Currency
\$220.00	NZD
\$5,220.00	US Dollar
Total Amount	\$9,000.00

WEBB Davinia Florida

- Sentencing for Bonny -Theft as a Servant

- Date: 20th July 2012
- Judge: Doherty J
- Crown: Ms King
- Defence: Ms Rokoika
- 12mths Community Service
- 12 mths Probation
- Repay \$9,000.00 - \$5,000.00 Pd immediately - \$4,000.00 in 3mths ex: 20/10/2012



MUSSELLS SAFE

- 01/06/2012 – Safe was opened and over \$20,000.00 in different currencies were found missing. The safe was seized from a Search Warrant executed on the Mussell residence.
- Investigations revealed WEBB and family members were exchanging foreign currency
- 6th June 2013 – Arrested and charged for Theft as a Servant
- 19th September 2014 - Sentenced

MONEY FROM MUSSELL SAFE

Amount	Currency
\$17,380.00	NZD
\$1,883.00	US Dollar
\$60.00	AU Dollar
\$ 851.00	Fijian Dollar
\$ 40.00	Euro
\$ 10.00	GBP
Total Amount	\$24,670.05

- 31/05/2011 – Reported to police missing foreign currency and pearl necklace was taken during execution of search warrant by police.
- Investigations revealed the same day WEBB exchanged Fijian currency which was linked back to the Mussell residence.
- 6th June 2013 – Arrested and Charged for Theft ex Dwelling
- 19th September 2014 - Sentenced

ITEMS FROM MUSSELL RESIDENCE

Amount	Currency/Item
\$200.00	US Dollar
\$550.00	NZ Dollar
\$ 700.00	Fijian Dollar
\$ 1200.00	Pearl Necklace
Properties to the Value	\$2,000.00

Davinia WEBB – Police Office

- 04/01/2012 – Money reported missing from Police drug safe.
- NZ\$4020.00 & GBP10 was seized during a SW on Corey Nicholas;
- Investigations revealed a family member exchanged GBP10 linking to the Police drug safe;
- 6th June 2013 – Arrested and charged for Theft as a Servant
- 19th September 2014 – Sentence

MONEY FROM POLICE OFFICE

Amount	Currency
\$4020.00	NZ Dollar
\$ 10.00	Euro
Total Amount	\$4,040.00

- WEBB Davinia Florida
- Sentencing for Theft ex Dwelling, Theft as a Servant x2
- Date: 19th September 2014
- Judge: Tom Weston J
- Crown: Ms Henry
- Defendant: Mr George
- Sentence Imposed:
- 2 Years Imprisonment
- Reimbursements of Cash from Police
- 7th September 2012 – Chq #203060 to Corey Nicholas \$4,036.48 was paid
- 3rd October 2012 – Chq #203302 to Christopher Mussell \$24,670.05 was paid
- Payments were made from the Cook Islands Police Operating Account - Financial Year 2012/2013 a total of \$28,706.53 was used to repay stolen funds
- No Funds have been recovered from the court or the offender

Police Actions

- New Zealand Police Detective Sergeant and Detective were engaged to conduct the investigations into all thefts;

- The Exhibit room was relocated;
- A Police exhibit account was opened with Westpac now Bank of the South Pacific;
- The AFP provided funding to purchase and install new sliding door, locking system, burglar alarm and CCTV system for the new exhibit room;
- The drug safes and all exhibits were relocated into the new exhibit room;
- New policies for the handling of exhibits were included in the Police General Instructions;
- A police senior sergeant was appointed as the exhibit officer;
- An AFP officer was seconded to carry out a peer review of the investigations conducted by the New Zealand Police Detectives. That review concluded that the investigation was done thoroughly.
- The officers responsible for the exhibits were transferred out of the Criminal Investigation Branch and are now no longer serving members.
- Restitution of \$9,000 is yet to be paid to Police by the Ministry of Justice
- Consideration is being made for either a Civil case to be initiated against Davinia Webb for the balance of the stolen money or for claims to be made pursuant to the Proceeds of Crimes Act.



- Entrance Commissioners Office



- Crime Stoppers Camera



- Exhibits Room

COOK ISLANDS POLICE SERVICE

Independent & Comprehensive Review of a Violent Incident in Rarotonga – Cook Islands on 18-19 October 2016

INTRODUCTION

REVIEW TEAM

RECOMMENDATION (5)

It is recommended discussions occur between the Ministry of Health and the CIPS Commissioner, to seek cost neutral arrangement for the clinical psychologists to develop a programme for counselling/debriefing for Police officers and Medical/Emergency workers involved in dangerous and traumatic events which they are required to respond to in the line of duty.

Outcome

- Consultation progressing well.
- Earlier on this year, Geoff Rothe, a psychologist used by the New Zealand Police was engaged to carry out assessments and consultations on the eight police officers who were closely involved in the event.
- He will return in July to carry out further assessments and consultations.

RECOMMENDATION (6)

Immediate consideration should be given to modifying the existing Emergency Response policy to incorporate contact with the CIPS NCCC with regards to call outs by the ambulance service, either by telephone but preferable via VHF radio

Outcome

- Done

RECOMMENDATION (15)

In a cost efficient measure, develop a Memorandum of Understanding (MOU) with the Cook Islands Police Service to respond to those incidents of a serious nature, not capable of being resolved by the prison staff.

Outcome

- MOU endorsed by Police Commissioner and Secretary of Justice.
- TOR in draft form
- Formal meetings yet to commence, daily weekly contacts have already commenced.

RECOMMENDATION (19)

The CIPS in conjunction with Ministry of Justice is to urgently develop a Memorandum of Understanding (MOU) for the exchange of information relating to the prisoner work and release programmes.

Outcome

- MOU endorsed by Police Commissioner and Secretary of Justice.

RECOMMENDATION (20)

The CIPS in conjunction with the assistance of media outlets is to develop an effective model for the release of information via social, print and electronic media, to ensure the accurate release of operational policy information in emergency situations.

Outcome

- Work in progress to be finalised when the Media Liaison officer is appointed.

RECOMMENDATION (21)

The CIPS with 'Bluesky' develop an emergency warning alert system which can be used to advise mobile phone users of an impending urgent community interest matter.

Outcome

- Bluesky legal team drafting an MOU.

RECOMMENDATION (22)

The CIPS Commissioner is to assist in the employment arrangements of a suitable media employee as highlighted in recommendation 39.

Outcome

- The police media liaison officer will be commencing within the next couple of weeks.

RECOMMENDATION (23)

The CIPS is to progress all aspects of the 2015 New Zealand Police Review document as it relates to the introduction of a Tactical Support Unit and negotiators with the necessary skills to respond to life threatening situations.

Outcome

- Done
- Cabinet proposal submitted in January
- Costs included in Budget proposal 2017/18
- Cabinet proposal submitted and discussed on Tuesday 2 May
- Cabinet gave assurance of its support

RECOMMENDATION (24)

The CIPS is to prepare a full submission of the equipment needed for the effective function of all patrols as highlighted in the body of the report, including a drone, spotlights, overalls and torches.

Outcome

- Proposals yet to be submitted
- Discussions have been held with the Australian Federal Police, New Zealand Police, NZDF, French Military and Police.
- The Government of the Peoples Republic of China have gifted 6 ballistic vests and 6 helmets.

RECOMMENDATION (25)

The CIPS is to conduct a full review on the efficiency of the command vehicle and to determine what additional resources that vehicle requires in any operational environment.

Outcome

- Review done – equipment current and operational
- Command truck not appropriate for urgent armed offender response thus the request for a smaller all purpose 4WD vehicle for these types of operations.





RECOMMENDATION (26)

The CIPS with the assistance of Bluesky is to develop a submission to the Cook Islands Government on the introduction of a vehicle tracking system for the CIPS. That submission should also consider the viability and cost of the programme.

Outcome

- Bluesky is currently trialling a fleet tracking system
- Police have a cheaper version system which will be trialled pending the availability of funds
- The proposed submission to Cabinet will be dependent on the trials of both systems.

RECOMMENDATION (27)

The CIPS is to review the interoperability of the radio communications system with other agencies and at the same time ensure a weekly check on the working condition of the system.

Outcome

- Done
- The current system which was put in place in 2012 by NZ Police and NZAID is serving our operational requirements well;
- The Prison Service has been included onto the emergency channel which is tested by Police every Fridays
- Bluesky is trialling a digital system which could be a future option.

RECOMMENDATION (28)

The CIPS is to expand and improve the quality of interagency agreements with the purpose of achieving the highest possible level of compliance and the exchange of information with other government agencies.

Outcome

- The operations of the Combined Law Agencies Group and its Intelligence Arm (CINIT) will soon be reviewed.
- The CINIT has been very active recently.

RECOMMENDATION (29)

The CIPS Commissioner should consider reviewing the existing Driver Pursuit policy and ensure that it reflects community expectation and the current international standards. This is not an urgent matter.

Outcome

- Done and incorporated in the Police General Instructions

RECOMMENDATION (30)

With the full Heads of Ministry and nominated representatives conduct a table top exercise using a scenario of a similar nature, to effectively test aspects of the inter-operability of all agencies in extreme operational circumstances.

Outcome

- A request has been submitted to the Australian Federal Police for a facilitator/coordinator to run the table top exercise as well as the full exercise.
- Further discussions on this will be held with the AFP instructors for the 3C's courses which will commence on Monday 8 May 2017.

RECOMMENDATION (31)

The CIPS Commissioner should reconsider Command Management training for any emergency situations to ensure all members understand the technical and structured requirements of the process.

Outcome

- Two courses will be held in Rarotonga.
- The first course specifically for Police will commence on Monday 8th – 16th May 2017.
- The second course for International participants, Police and emergency services will commence on Thursday 18th – 26th May 2017.

RECOMMENDATION (32)

The CIPS Commissioner in consultation with the Cook Islands Government should consider extending the existing gun amnesty until the end of the current calendar year and focus on

mandatory minimum sentences for the possessions of unlicensed firearms and specific firearm offences.

Outcome

- Approved by Cabinet to continue to the end of the year.
- Northern Group Islands done.
- Southern Group Islands to be completed soon.

RECOMMENDATION (33)

The CIPS is to assist the Cook Islands Government with the development of a Community Bravery awards system as highlighted in section 8 of this document.

Outcome

- Consultations have taken place between Police and the Office of the Queens Representative.

RECOMMENDATION (37)

Consideration should be given for Customs airport staff and the CIPS to conduct regular exercises to encourage improved work practices and procedures, including the exchange of intelligence.

Outcome

- Work in progress

RECOMMENDATION (38)

In the first instance a part-time media liaison officer be engaged by the CIPS and provided with suitable training if necessary.

Outcome

- Media Liaison officer to be appointed soon

RECOMMENDATION (39)

Alternatively consideration should be given for the employment of a full-time suitably qualified medical liaison officer to work in a shared arrangement for the Ministry of Health, Customs, Immigration, Ministry of Justice and the CIPS as a cost saving measure.

Outcome

- As above

RECOMMENDATION (40)

It is recommended that CIPS with Bluesky develop an emergency message system to all mobile phone users and public radio in the Cook Islands to be alerted when an emergency is taking place. The system could also be used for cyclone warnings.

Outcome

- Work in progress.

RECOMMENDATION (41)

Consideration is given to conduct a training exercise incorporating all agencies with the view of ensuring future effective communications.

Outcome

- Work in progress

RECOMMENDATION (42)

Consideration should be given to develop Standard Operating Procedures for all representatives involved in the emergency process.

Outcome

- Work in progress

RECOMMENDATION (43)

The NCCC should every Friday at a suitable time, check the emergency channel to ensure the efficiency of the programme and that way it will ensure an understanding of the process.

Outcome

- Done

RECOMMENDATION (44)

A full audit of existing infrastructure and equipment should be conducted immediately with the view of checking the suitability of all equipment issued in 2012.

Outcome

- Done, all suitable and operational.

RECOMMENDATION (45)

A full and joint debrief should be conducted with all agencies to ensure a complete understanding of the failures with the system and to ensure an understanding of the implications and impact on the community of the Cook Islands. This debrief should also include elements of the media.

Outcome

- Done on 6 April 2017

Appendix Three: Police Exhibit 3 - Decision by Chief Justice Tom Weston

**IN THE HIGH COURT OF THE COOK ISLANDS
HELD AT RAROTONGA
(CRIMINAL DIVISION)**

CR NO: 246-248/2013

POLICE

v

DAVINIA WEBB

Date: 19 September 2014

Counsel: Ms M Henry for the Police
Mr N George for the Defendant

DECISION OF THE HONOURABLE CHIEF JUSTICE TOM WESTON

[1] Ms Webb, you are here today for sentence, having pleaded guilty to three offences of theft, which took place during the course of 2011.

[2] In order to put those in context, I also need to refer to a fourth offence which also took place in or about 2011 and which was discovered prior to these three offences being discovered. You were charged at that earlier time and sentenced by Doherty J on 20 July 2012. That early occasion involved the theft of \$9,000 which as I understand it was repaid. At the time of sentencing, \$5,000 of it was paid with the balance yet to be paid. Doherty J took the reparation into account in imposing an extremely generous sentence of 12 months Community Service, as part of an overall 24 months period of probation.

[3] I have not mentioned so far what, for me, is the most significant part of this offending. This offending all took place while you were a serving police officer. The first of the three charges now before me arose out of the execution of a search warrant of a house during which you stole a certain amount of money that you located.

[4] The second charge before me today relates to the theft of approximately \$20,000 which was stolen by you from the safe then held by the police following the execution of the search warrant just mentioned. The third charge relates to the theft, by you, of some NZ\$4,000 following the execution of a search warrant unrelated to the previously discussed search warrant. These activities all took place around the middle of 2011. While the criminal conduct is similar in each case, all of these three events are truly separate. It was said by Mr George that these were impulsive, but the fact that four events occurred in 2011, in which you abused your position as a Police Officer, is a significant aggravating feature in this case.

[5] Mr George has said that you are ashamed. I have seen a letter that you have prepared addressed to me apologising for what you have done. Notwithstanding that apology, it is clear from the Commissioner's victim impact report that the continuing delays on your part in owning up to what you have done, were regarded by him as a significant aggravating factor.

[6] I have also read the victim impact statement of Mrs Akisi Mussell. It was the Mussell's property that was the subjected of a search warrant. She refers to the difficulties that followed the execution of that search warrant. I understand that ultimately there was no further action taken by the police in relation to the reasons for the execution of that warrant. Undoubtedly, all of that would have been most upsetting for Mr and Mrs Mussell. But I have no doubt that your actions in stealing their assets during the course of the search warrant, and then taking the money from the safe, would have been immensely concerning for them. I have been told the police have now fully reimbursed Mr and Mrs Mussell for all losses occasioned by your activities, but I fully accept what Mrs Mussell says in her statement as to how badly affected they have been by what you did.

[7] The Crown has sought a sentence of four and a half years, which is close to the top end of the maximum available of five years. This is to reflect the seriousness of the charges arising from your position as a Police officer and also to reflect the overall criminality inherent in the number of charges that have arisen from your conduct in 2011.

[8] Mr George initially supported the Probation suggestion of a short sharp term of imprisonment but, on pressing by me, recognised that, that was unduly optimistic in all the circumstances. At the end he accepted that a figure in the range of 12 to 18 months was a likely outcome.

[9] It seems to me that your actions, Ms Webb, are to be regarded at the very serious end of theft as a servant. As a serving Police Officer you were entrusted to act faithfully and honestly, and you failed in that by a huge margin. You have brought the police into this repute, you have caused great upset to Mr and Mrs Mussell. No doubt you have caused great harm to yourself and those you love and who love you.

[10] It seems to me that the major factor influencing my sentence is to reflect to the significant offending. I think there is much that justifies Ms Henry's submission that the starting point for my consideration is somewhere around four and a half years. She recommended that the ultimate sentence should be three years, taking account of the usual 30% discount for an early plea.

[11] Mr George reminded me of the advice of Doherty J given in June of this year, which ultimately resulted in guilty pleas being entered here. At that time, the Court was working through the lists of unresolved criminal matters seeking to obtain guilty pleas if that were possible. Sentencing indications were considered and the like. No formal sentencing indication was given in this case but Doherty J advised the parties that an early guilty plea might well receive an extra discount over the standard 30%. I am prepared to take that into account in sentencing you today.

[12] I believe the starting point for this sentence would be somewhere in the range of four to four and a half years. The usual discount would take you somewhere close to around about three years. I am prepared to make a further discount to reflect the circumstances that I have just outlined.

[13] You will be sentenced to a term of imprisonment running from today of 2 years on each of three charges to be served concurrently.

[14] You may stand down.



Tom Weston CJ