

9 September 2019

Ross Francis
fyi-request-10591-95ac4152@requests.fyi.org.nz

Dear Ross,

Official Information Act request - IR-01-19-24433

Thank you for your information request of 23 June 2019. You requested:

On 20 July 2005, Sean Buckley – using his Police email account – emailed then-leader of the National Party Don Brash. Mr Buckley’s communication was in relation to Brash’s commitment, if elected, to establish a Commission of Inquiry into the Peter Ellis case. “In my time in the Police”, Mr Buckley wrote, “I have arrested many people for offending of the nature of Mr Ellis and interestingly all stated that they were innocent as is usually the case with people who cannot face up to the horrific crimes they have committed.” He added that he hoped Brash had “perused the investigation file” and that “[i]t would be nice for someone in politics [to] finally stand up and put a stop to the Ellis case”.

To promote greater public participation in the decision-making process, please provide me with a copy Mr Buckley’s email and a copy of the investigation file referred to above. What was Mr Buckley’s job title in July 2005? According to Police, what are the causes of wrongful convictions?

Your request has been considered in accordance with the Official Information Act 1982. Please find Police’s response to each part of your request below.

1. A copy of the email that Sean Buckley sent to Don Brash (Then the leader of the National Party) in 2005.
 - This email cannot be located. Due to the age of the emails the IT Technical team have been unable to locate a copy of Mr Buckley’s email in the archive. This is declined under section 18(e): the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.
2. A copy of the investigation file referred to in the above email.

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- We believe “the investigation file” refers to the Civic Creche case investigation file. As this is the subject of a Supreme Court appeal, this request is declined under section 6(c): the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
3. What was Mr Buckley’s job title in July 2005?
- Sean Buckley’s job title in July 2005 was ‘Detective’.
4. According to Police, what are the cause of wrongful convictions?
- This is a request for an opinion to be formed. An agency is not obliged to form an opinion or create information to answer an Official Information Act request. This is declined under section 18(g): the information requested is not held by the department or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—held by another department or Minister of the Crown or organisation, or by a local authority; or connected more closely with the functions of another department or Minister of the Crown or organisation or of a local authority.

You have the right to ask the Ombudsman to review our decision if you are not satisfied with Police’s response to your request. You can find more information here <http://www.ombudsman.parliament.nz/make-a-complaint/complaining-about-access-to-official-information-551307291224432>.

Yours sincerely,

Rachel Milne

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Canterbury OIA Team Leader
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