

I should perhaps explain here the nature of this independent review. In it all aspects of the circumstances giving rise to the complaint, the Police investigation of it and everything that has taken place in connection with it are looked at afresh by this independent Authority. Should the Authority wish some aspect to be re-investigated, or identify some point that has not been investigated or investigated fully, then the Commissioner of Police is asked to have further enquiries made, the results being supplied to the Authority for review.

However, in the case of this complaint there are other complicating factors other than your having reported it to both the Authority and the Minister of Police at the same time.

These factors are that on 30 November 1992 the Authority received from your son, Antony R. Foote, a letter setting out what amounted to the same complaint as that reported by you. Your son also copied his letter to the Minister of Police, the Commissioner of Police and the Minister of Social Welfare.

As I have already explained this duplication meant that the matters raised by your son were taken up simultaneously by the Authority and the Police in the same way as those raised by you.

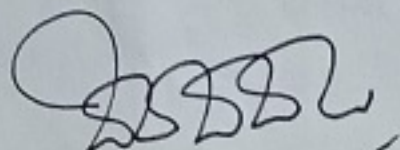
To extend this situation even further a complaint embracing some features of both your complaint and that of your son was addressed to the Minister of Police on 18 November 1992 by a third person. So there were now three complainants who had made representations of a similar but not exactly the same nature to several different authorities: the Police Complaints Authority, the Commissioner of Police and the Minister of Police.

In the circumstances, and bearing in mind that it will be necessary to examine each issue raised in each of the three complaints in detail before a proper response can be formulated to each complainant, the resultant investigation is expected to be relatively detailed. That being so, whilst I agree with you that a considerable amount of time has elapsed since your original letter, I do not yet feel the matter is excessively delayed.

I am reinforced in that feeling by the fact that as recently as 22 January 1993 Antony again wrote, I believe to the Minister of Police, raising more issues concerning developments in the investigation of the offences with which he is charged and presenting them in the form of a complaint. I am sure you will agree that the need to go into these latest submissions by your son is likely to delay further the finalisation of these matters.

Nevertheless, I have today written to the Commissioner of Police asking that the investigation of the three complaints be expedited. I will write to you again in due course after the investigation report and other material have been supplied to, and received by, the Authority.

Yours faithfully



J N Roberts
Investigating Officer for
POLICE COMPLAINTS AUTHORITY



POLICE
Nga Pirihimana O Aotearoa

11 December 1992

Mr A.R. FOOTE
Addington Prison
Private Bag 4726
Christchurch

Dear Sir,

You recently forwarded a letter of complaint to the Minister of Police. The Minister has read your letter and forwarded it to the Commissioner as it deals with a Police operational matter.

On behalf of the Commissioner I acknowledge receipt of your undated letter.

The Christchurch District Commander has already commenced an enquiry into the matters you have raised, and I have therefore forwarded a copy of your letter to him. The Police Complaints Authority will review our investigation once it is complete, and you will be formally advised of the result.

If you are dissatisfied with the result, you will be provided with an opportunity to express your dissatisfaction to the Authority.

Yours Sincerely

Inspector N.T. MORRIS
Internal Affairs Section

Parents 'a lynch mob'

Parents who subjected a man charged with sexually abusing their children to "extraordinary pressure" were little better than a lynch mob, the High Court at Christchurch was told yesterday.

The man, Anthony Robert Foote, aged 34, a Department of Social Welfare foster parent, was jailed for four years and three months on five charges relating to incidents of oral sex and masturbation on boys under 13.

Counsel for Foote, Mr Stan Barker, likened the parents to a lynch mob and said they had milked the case for "every ounce of publicity".

The "extraordinary pressure" had been brought by indignities directed at the accused on each of the five occasions Foote had appeared in court.

Parents had also placed derogatory signs on their cars parked outside the court, Mr Barker said.

"For one time in their lives they are occupying the high moral ground. It was not without reason these children were put with him."

When Foote pre-

viously appeared in the District and High courts on the charges he was greeted with jeering and hissing. Insults and threats were shouted and at a recent High Court appearance he was told "hell has not started for you yet, mate" as he was leaving the court.

At a recent appearance of Foote a car outside bore a placard reading, "One Foote in the Grave".

Mr Barker said he was concerned about the victim impact reports because of the parental influence on the complainants.

The driving motive for the parents was their anticipation of a \$10,000 payout in accident compensation, he said. Some had already spent the amount.

Mr Raoul Neave, for the Crown, said the attention paid to the parents by the submissions from Mr Barker was not helpful. The parents were not the real victims.

Pressure had also been placed on the complainants by Foote's supporters so that "evened the situation up", he said.

Sentencing, page 16

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The Hospitaller Order Of St. John Of Jerusalem

South Pacific Priory



Baliff Grand Cross and Prior

Brother Mervyn Finlayson,
Non-Denominational Counsellor,
39 Randolph St.

Re Anthony Foote(in custody) Arrested 22.09.92

08-10-92

Mr S.C.Barker and Partner,
Barristers and Solicitors
63 Cathedral Square
Christchurch

Dear Sir,

As a result of my telephone conversation with you I have decided to release to you information that has been given to me in confidence in several counselling sessions over a period of some weeks I was visited at my residence approximately 9 weeks ago, in the evening by Anthony Foote.

Mr Foote was quite upset and he told me that he was having big problems at his home with some of the boys he was foster parent to. He told me that he caught them out lying, stealing and having arrived home unexpected one afternoon found a group of boys in his lounge participating in a game called submarines, a game of sex where they indulged in group Homosexual Activity. Mr Foote informed me that he had gone right off at them and banished them upstairs and nailed up the door between floors, he then told me that he (Anthony Foote) then lived downstairs and the boys upstairs. He turned the problems off in his mind and didn't want to know and because of their use of Hashish, Cannabis and glue giving more stress he appeared to be on the point of mental

burn out.

My advice to him was to tell them to leave and find alternate accommodation immediatly.

I was not at that time aware of the boys names.

Five weeks ago Anthony Foote again arrived at my home in the evening and told me he was quite worried about a blackmail threat involving one Scott Batchelor whom was talking to people and accusations of sexual abuse were being made against him (Anthony Foote).

On this visit Anthony Foote was accompanied by a Jason Ng and Jason Kerr.

While conversing in a group situation Jason Ng stated that the allegations were a lot of rubbish and if Scott wasn't careful he would smack him over.

Jason Kerr said quite openly to me that Dad (Anthony Foote) had never sexually interfered with him but had given him lots of cuddles 'what he didn't get at home.'

I informed (Anthony Foote) that unfortunately he was treading very dangerous ground, and in cases of this sort, once involving the police, one is guilty until he can prove his innocence.

Jason Ng and Jason Kerr both spoke at once and were quite agitated saying .Quote "its all bullshit" they are setting up a case so that they can claim A.C.C.unquote.

When I asked as to whom they were referring to, Jason Kerr said Mum (this I took to be the person I now know as Margaret Kerr) and Scott Batchelor and Glenis Ball and a couple they called the Elliotsof Oronties St.

On the 27th Sept Jason Kerr arrived at my residence and said "do you know that Dad's in jail" I said "Yes I do and asked what he knew about it.

Jason said how is he? "I said worried about you ".

Jason said Dad (Anthony Foote) hasn't touched me but Scott Batchelor screwed me, I said what did he do "Jason said put his finger then his hard dick up me.

I said where "he said upstairs" at Dad's house I said where is that, He said Cargill St.

I said why didn't he tell someone, he said mum was told but her friends and Scott and her decided to blame Dad so they could get a lot of money.

After a drink of milo he left on a bicycle.

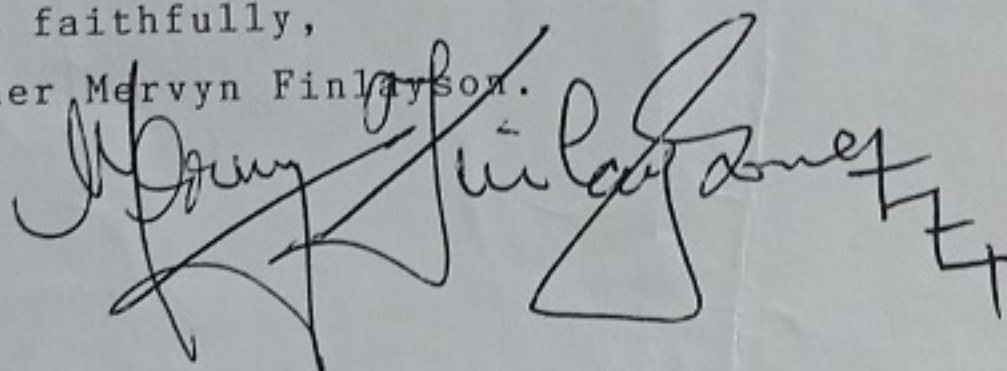
Jason Kerr has arrived at my residence by cycle on two occasions over the past 2 weeks but I have not been at home so have not spoken to him since the 27th of Sept 1992.

Footnote: I would like to add that over many years of working in a counselling capacity I have never come across a case where one is 100% sure of innocence, however this case I would say is my exception.

I have no illusions that there has been a very devious conspiracy I hope this statement will be of some benefit to you.

Yours faithfully,

Brother Mervyn Finlayson.

A handwritten signature in dark ink, appearing to read 'Mervyn Finlayson', with a stylized flourish at the end.



OFFICE OF THE
MINISTER OF POLICE
WELLINGTON

1 DEC 1992

Mr A Foote
65 Rowses Road
CHRISTCHURCH 7

Dear Mr Foote

Thank you for writing regarding your son Antony Robert Foote.

As this matter is already the subject of a complaint you will be hearing from a senior police officer in due course.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'LS' followed by a flourish.

Lindsay Scott
Senior Private Secretary
for Minister of Police



OFFICE OF THE
MINISTER OF POLICE
WELLINGTON

1 DEC 1992

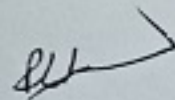
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65 Rowses Road
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As this matter is already the subject of a complaint you will be hearing from a senior police officer in due course.

Yours sincerely


Lindsay Scott
Senior Private Secretary
for Minister of Police

as yet no visit from Police 15/01/93

Nola FOOTE further states:

Jason went in for 25 to 30 minutes. Then we went to the car and said we would take them back to Addington. They were determined to stay where they were so Charon and I left and came home. I don't know what happened to the statements. My husband wasn't with us.

About a week later, on a Sunday, Jason phoned here. Nick and my son Geoffrey picked him up and took him round to Heather FREW's.

Next day, Heather and Eileen NEWTON took Jason to the lawyer, apparently to sign his statement. Heather gave me a copy of the affidavit saying that she had just come from the lawyers.

This is the same as the one I have just shown you dated 14 December 1992.

Through all this, all we have ever done is followed the law.

I have never tried to influence anyone to lie on Tony's behalf. If anyone says I have that is absolute utter rubbish.

Jason was not given any money after we left the lawyers office. I have never given him any money.

(Signed) N FOOTE

Statement taken and signature witnessed by:

G D Eaton
Detective 2598
15 April 1994
1.14 pm

Nola FOOTE further states:

After we left Jason said he wanted to see a lawyer - there had been no talk while we were visiting about what Tony was supposed to have done.

Graham LILLEY and his girlfriend got in the car and Jason said he was going to see a lawyer. Graham said he would too.

I suggested we go to the lawyers in Linwood, I now know as Parry & Field. There was no talk why Jason and Graham wanted to go there.

Charon drove us to the lawyers. I went inside with the two boys. I asked the girl on the counter to see a lawyer, urgently. It was in the afternoon. A lawyer came down - he had fluffy hair and glasses - and we went into his office. I told him my son was about to be charged with something he hadn't done and these boys want to make a statement. One's already made one and he wants to change it. The lawyer then nodded towards the door and said "Out" to me.

When Jason had been at our place after running away from Social Welfare, he said to me "How do me and Daniel get the charges against Tony stopped, they're all lies". I just told him to keep telling the Police, they would listen in the end.

I did not know what allegations Jason had made about Tony and never discussed them with him.

I told the lawyer's receptionist that I would pay the bill. I assumed that Jason was making a statement to the lawyer and whatever was in the statement would help Tony.

I told Charon what was going on and then I sat in the lawyer's waiting room with Jason. Graham was with the lawyer and came out 10 to 15 minutes later. I asked him if he felt better now and he said "Yes, heaps".

1988

65 Rowses Road
Christchurch
15 April 1994
11.15 am

Nola FOOTE states:

I reside at the above address, am a married woman and am aged 58 years.

I am making this statement to Detective EATON about my knowledge of Jason KERR making an affidavit to a solicitor regarding allegations he had made against my son Antony Robert FOOTE.

As far as I am aware Jason only made one affidavit.

Jason made allegations that Tony had sexually abused him and the Police were involved. He never made those allegations to me.

After the allegations Tony was arrested. Jason lived with his mother for a short time and was then taken by Social Welfare to Kingslea. Between then and Tony being sentenced, Jason ran away anything up to 18 times. Jason came round here on numerous occasions when he had run away. Each time we phoned either the Social Welfare or the Police about him.

When Jason was here, we never discussed Tony or the allegations made against him.

My daughter Charon and I went to Addington Prison to visit Tony when he was on remand. We met Jason there. He was with Graham LILLEY and his girlfriend. Jason wanted to come in and visit Tony and he came in with us. The other two waited out by the front gate. Jason signed the Visitors Book as Tim FOOTE. Tony was heavily medicated at the time - he was suicidal.

1988

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Christchurch
15 April 1994
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Tasha Ng visit to Prison 7-2-93.

Tasha Ng visit to Prison 7-2-93.



AD2

POLICE
Nga Pirihimana O Aotearoa

29 April 1993

Mr A Foote
Private Bag 4726
West Wing Paparua
CHRISTCHURCH

Dear Mr Foote

Your request dated 23 March 1993 has been considered. Your request for interview notes as taken by Detective Power have already been supplied, refer pages 164-170 inclusive.

There was no arrest warrant, you were arrested without warrant pursuant to Section 315 of the Crimes Act 1961.

As previously mentioned you are not entitled to Victim Impact Reports.

Yours faithfully

B J Reeves
Detective Constable 7694
Christchurch
28 April 1993



NEW ZEALAND POLICE DISTRICT HEADQUARTERS
Cnr Hereford St/Cambridge Tce, Christchurch. P.O. Box 2109
Telephone: (03) 379-3999, Fax: (03) 379-4208

I TOO HAVE HAD THE
FINGER POINTED
AT ME. MY LIFE WAS
DESTROYED. DONT LET
THEM DO IT TO YOUR
BROTHER.

God BLESS YOU
ALL

A FRIEND

XX

Hi Butel!!
This was a Xmas Card
in four and slipped to
Charm's letter box.

Sincere wishes
for Christmas
and the coming
New Year

RELEASE ON LICENCE
(Section 107F, Criminal Justice Act 1985)

TO [Full name] FOOTE Anthony Robert

You were on the 16 day of December 19 92, convicted of
..... Inducing an indecent act. Doing an indecent act. Indecent Assault (2)

..[Offence] by the High Court at Christchurch and sentenced
to ~~*corrective training*~~ imprisonment for a term of 4 years 3 months ~~*imprisonment for life,~~
~~xxx*preventive detention~~

CONDITIONS OF RELEASE

You are this day released from ~~*corrective training institution~~ prison at Christchurch on the
following conditions.....
..... 204 Hereford Street, Christchurch

Standard Conditions

You are subject to the following conditions from 16.10.95 until 15.10.96
[State duration of conditions]:

- (a) You shall report in person to the probation officer for the district in which you are to reside as soon as practicable and not later than 72 hours after release:
- (b) You shall report to the probation officer under whose supervision you are as and when required to do so by the probation officer, and shall notify the officer of your residential address and the nature and place of your employment when requested to do so:
- (c) You shall obtain the consent of the probation officer before moving from your residential address; and, if you move to any place within the district of another probation officer, you shall within 72 hours after arriving in that district, notify that other probation officer of your address, and the nature and place of your employment:
- (d) You shall not reside at any address at which the probation officer has directed you not to reside:
- (e) You shall not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage:
- (f) You shall not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate.

*Special Conditions

You are subject to the following special conditions from 16.10.95 until 15.10.95
[State duration of conditions]

[Specify nature of conditions]

- 1) To reside with his parents at 65 Rowses Road or at an address approved by your Probation Officer.
- 2) Not to approach or have any contact with, his victims.
- 3) To undertake and complete such counselling as may be directed.



Police Complaints Authority

7th Floor Local Government Building,
114-118 Lambton Quay,
Wellington.

Ref. 92/0500/jnr

8 February 1993

Mr Arthur C Foote
65 Rowses Road
CHRISTCHURCH

Dear Mr Foote,

I am now able to notify you of the result of my review of the investigation of your complaint, the investigation report and the material generated during the investigation and relevant to it having been referred for my review since last you were written to.

The principal element of your complaint was that the Police released to television journalists from the Holmes Show information relating to your son's case which, when subsequently broadcast, could have been damaging to any change of plea he may have made.

Enquiries were accordingly made of TVNZ to establish the source of the information on which the item broadcast was based. During the investigation the Executive Producer of Current Affairs at TVNZ wrote to say that Christchurch Police were indeed contacted after the Television people became interested in your son's case. *

The Police report that on being approached by TVNZ no information was released from Police sources. What happened was that some of the complainants' parents were asked if they were prepared to talk to the TV journalist concerned. The details of those parents were then notified to TVNZ. *

A TVNZ journalist then spoke to those parents who were prepared to talk about the circumstances leading to your son's prosecution and to some of the young men concerned. Most of the material in the programme came from that source.

A TVNZ representative has confirmed that none of the allegations involving drinking and violence were made to the journalist by the Police. The statements were made, TVNZ says, by one of the boys in your son's care.

Concerning the letter from the Minister of Social Welfare to your son to which you referred in your letter of complaint, a copy of this was given to TVNZ by one of the boys who had been in your son's care.

*This is dad's reply.
5 days after the
investigation was started.
in depth eh!!*

Telephone (04) 499-2050
Facsimile (04) 499-2053
P.O. Box 5025, Wellington

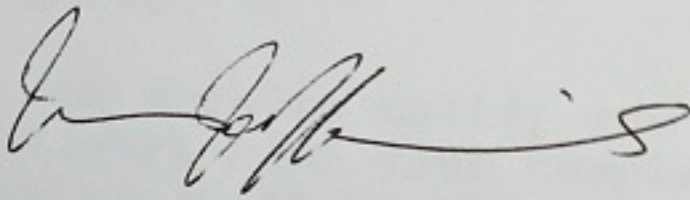
** Police co-acted with
complainants and media to
add public pressure to my
conviction. I never stood
a chance.*

In your letter you also expressed some incredulity at a claim made on the television programme by one of the boys who appeared or who was reported. I am unable to agree that the responsibility for anything said by the boy concerned can be said to rest with the Police.

In summary, after having your complaint investigated I am satisfied that the claim that Police supplied information about your son's case to TVNZ is not borne out by any evidence to hand. On the contrary, a senior TVNZ representative has stated that the Police did not provide the information which the broadcast item contained.

Thank you for bringing this matter to my attention.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'John Jeffries', with a long horizontal flourish extending to the right.

(Sir John Jeffries)
POLICE COMPLAINTS AUTHORITY



Police Complaints Authority

7th Floor Local Government Building,
114-118 Lambton Quay,
Wellington.

Telephone (04) 499-2050
Facsimile (04) 499-2053
P.O. Box 5025, Wellington

REF: 92-500/jnr

30 November 1992

Mr Antony Foote
Addington Prison
Private Bag 4726
CHRISTCHURCH

Dear Mr Foote

Thank you for your letter which reached me today.

A complaint about the alleged release to the TV media by the Police of information about the matters leading to your arrest was lodged by your father on 15 November 1992. That matter is currently under investigation by the Police at my request.

I note that in addition to reiterating the complaint to which I have referred, your letter also traversed several issues relating to the investigation of the offences with which you are charged and the conduct of the investigating detectives.

As your case has not yet come to Court it is clear that when it does an opportunity will be presented for your counsel to take up most of the points you have raised in that area.

I will write to you again in due course.

Yours faithfully

(J F Jeffries)
POLICE COMPLAINTS AUTHORITY

for



Police Complaints Authority

7th Floor Local Government Building,
114-118 Lambton Quay,
Wellington.

Telephone (04) 499-2050
Facsimile (04) 499-2053
P.O. Box 5025, Wellington

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Concerning the letter from the Minister of Social Welfare to your son to which you referred in your letter of complaint, a copy of this was given to TVNZ by one of the boys who had been in your son's care.



7th Floor Local Government Building,
114-118 Lambton Quay,
Wellington.

Police Complaints Authority

Telephone (04) 499-2050
Facsimile (04) 499-2053
P.O. Box 5025, Wellington

REF: 92-500/jnr

20 November 1992

Mr Arthur L Foote
65 Rowses Road
CHRISTCHURCH 7

Dear Mr Foote

I acknowledge your letter of 15 November 1992 making a complaint against the Police.

Your letter sufficiently identifies the matter complained of and this appears to be within my jurisdiction to conduct an investigation.

I have referred your complaint to the Commissioner of Police so that a Police investigation can be carried out. When the result of this Police investigation is reported to me I will review the Police file and if necessary make further enquiries.

In due course I will decide whether I agree with the manner in which the investigation has been carried out and the conclusion reached by the Police.

I will write to you again after I have received the Police report.

Yours faithfully

J N Roberts
Investigating Officer for
POLICE COMPLAINTS AUTHORITY

McKenzie School
483 Goldhurst Road
Christchurch NZ

Dear Tony

Hi how are you doing I've
cut my finger when I was
getting my car out of my drive
my hand slipped and hit the
craft knife and got four stitches..
I won't be able to do the lawns
this week. But I will probably be able
to do them next week

Well Better
go

Kern

McKenzie School
483 Galeshurst Road
Christchurch RD6

Dear Tony

Hi how are you doing. I've
cut my finger when I was
getting my car out of my drive.
my hand slipped and hit the
craft knife and got four stitches..
I won't be able to do the lawns
this week. But I will probably be able
to do them next week.

Well Better
go

Kern

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

No. M /92

Under the Summary Proceedings Act
1957 and The Crimes Act 1961

BETWEEN ANTHONY ROBERT FOOTE of
Christchurch, Prison
Inmate

Applicant

AND THE CROWN

Respondent

AFFIDAVIT OF A.R. FOOTE
IN SUPPORT OF NOTICE OF
MOTION TO SET ASIDE
GUILTY PLEAS

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

No. M /92

UNDER the Summary Proceedings Act
1957 and The Crimes Act 1961

BETWEEN ANTHONY ROBERT FOOTE of
Christchurch, Prison
Inmate

Applicant

AND THE CROWN

Respondent

TAKE NOTICE on day the day of
1992 counsel for the above-named Applicant WILL MOVE this
Court at Christchurch FOR AN ORDER that the pleas of
guilty to seven counts of indecent assault be set aside
UPON THE GROUNDS:

1. The Applicant maintains he is not guilty of any of
the offences to which he has pleaded guilty.
2. That at the time he entered the pleas of guilty and
gave instructions to his counsel he was mentally *an*
disturbed to such an extent that he was unable to
make rational decisions.
3. *That at least one of the complainants has recanted
his complaint to independent third person.*
4. Appearing in and by the affidavit sworn and filed
herein by the Applicant.
5. That it would be just and equitable in all the
circumstances.

DATED at Christchurch this day of 1992

.....
Counsel for the Applicant

TO: The Registrar, High Court, Christchurch
AND TO: The Crown Solicitor, Christchurch

THIS Notice of Motion is filed by Philip Humphrey Brett
Solicitor for the Applicant whose address for service
is at the office of Messrs Wood Marshall, Solicitors, 293
Buckley Street, (PO Box 400) Christchurch.

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

No. M /92

UNDER the Summary Proceedings Act
1957 and The Crimes Act 1961

BETWEEN ANTHONY ROBERT FOOTE of
Christchurch, Prison
Inmate

Applicant

AND

THE CROWN

Respondent

I, ANTHONY ROBERT FOOTE of Christchurch, Prison Inmate,
make oath and say as follows:

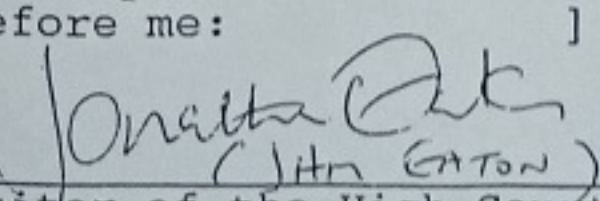
1. THAT on or about the 23 September 1992 I was arrested
by the police and charged with sodomy (this charge
has since been withdrawn). I have been in custody
ever since.
2. THAT on or about the 29 October 1992 I pleaded guilty
to seven charges of indecent assault and I was
committed to the High Court for sentence on the
3 December 1992. I have since been further remanded
for sentence to the 10 December 1992
3. ALTHOUGH I have acknowledged to the police in my
interview with them that indecencies did occur with
some of the complainants and I personally signed the
pleas of guilty, I now wish to withdraw that plea
upon the basis that my confession is untrue and that
no crimes occurred as alleged.
4. DURING my interrogation and during all subsequent
Court procedures I was mentally and emotionally
unable to make informed statements to the police or
indeed to my counsel.
5. I have been assessed by the Sunnyside Forensic
Psychiatric Service (Dr Ryan). It is only since my

FE. [Signature]

pleas have been entered that I have become properly functional. I attach and mark with the letter "A" a report from Dr Ryan.

6. MY decision to change plea should not reflect in any way upon my counsel Mr Barker or Mr Bunce his associate. The fact is that I gave them instruction at a time when I was dysfunctional and unable to emotionally or mentally stand up to the allegations which were being hurled at me. I wanted to plead guilty notwithstanding my innocence.
7. I have a valid defence in that I say that the allegations are untrue at worst and highly exaggerated at best. I now wish to defend the charges laid against me.
8. I believe that some of the complainants have made false complaints with a view to claiming Accident Compensation.
9. I know that one complainant, Jason Kerr, has instructed Mr Collin, a solicitor, to advise my counsel that his statement to the police is incorrect. I knew his statement was incorrect but nevertheless pleaded guilty to a charge involving an indecent assault upon him. I did so out of a misguided sense of protection at a time when I was not thinking or acting normally.
10. IF my pleas of guilty are not set aside, I will be punished for offences I have not committed and to that extent there will be a miscarriage of justice.

SWORN at Christchurch
this 9th day of December
1992 before me:


(Jonathan Eaton)
A Solicitor of the High Court of New Zealand

AD25



POLICE
Nga Pirihimana O Aotearoa

29 April 1993

Mr A Foote
Private Bag 4726
West Wing Paparua
CHRISTCHURCH

Dear Mr Foote

Your request dated 23 March 1993 has been considered. Your request for interview notes as taken by Detective Power have already been supplied, refer pages 164-170 inclusive.

There was no arrest warrant, you were arrested without warrant pursuant to Section 315 of the Crimes Act 1961.

As previously mentioned you are not entitled to Victim Impact Reports.

Yours faithfully

B J Reeves
Detective Constable 7694
Christchurch
28 April 1993

(2)

NEW ZEALAND POLICE DISTRICT HEADQUARTERS
Cnr Hereford St/Cambridge Tce, Christchurch. P.O. Box 2109
Telephone: (03) 379-3999, Fax: (03) 379-4208



POLICE

Nga Pirihimana O Aotearoa

File: 940126/9880

13 October 1995

Mrs Nola Foote
65 Rowses Road
CHRISTCHURCH

Dear Mrs Foote

As requested, please find enclosed a copy of your statement dated
15 April 1994.

Yours faithfully

G. D. Eaton

G D Eaton
Detective
New Brighton CIU

Safer Communities Together

NEW BRIGHTON POLICE STATION

147 Seaview Road, New Brighton, Christchurch, P.O. Box 18-502
Telephone: (03) 388-9189, Fax: (03) 388-8990



Police Complaints Authority

7th Floor Local Government Building,
114-118 Lambton Quay,
Wellington.

Ref. 92/0500/jnr

8 February 1993

Mr Arthur C Foote
65 Rowses Road
CHRISTCHURCH

Dear Mr Foote,

I am now able to notify you of the result of my review of the investigation of your complaint, the investigation report and the material generated during the investigation and relevant to it having been referred for my review since last you were written to.

The principal element of your complaint was that the Police released to television journalists from the Holmes Show information relating to your son's case which, when subsequently broadcast, could have been damaging to any change of plea he may have made.

Enquiries were accordingly made of TVNZ to establish the source of the information on which the item broadcast was based. During the investigation the Executive Producer of Current Affairs at TVNZ wrote to say that Christchurch Police were indeed contacted after the Television people became interested in your son's case. *

The Police report that on being approached by TVNZ no information was released from Police sources. What happened was that some of the complainants' parents were asked if they were prepared to talk to the TV journalist concerned. The details of those parents were then notified to TVNZ. *

A TVNZ journalist then spoke to those parents who were prepared to talk about the circumstances leading to your son's prosecution and to some of the young men concerned. Most of the material in the programme came from that source.

A TVNZ representative has confirmed that none of the allegations involving drinking and violence were made to the journalist by the Police. The statements were made, TVNZ says, by one of the boys in your son's care.

Concerning the letter from the Minister of Social Welfare to your son to which you referred in your letter of complaint, a copy of this was given to TVNZ by one of the boys who had been in your son's care.

This is Dad's reply.
5 days after the
investigation was started,
in depth eh!!

Telephone (04) 499-2050
Facsimile (04) 499-2053
P.O. Box 5025, Wellington

* Police co-acted with
complainants and media to
add public pressure to my
conviction. I never stood
a chance.

the
It
a request by an inmate to interview or
write to a representative of the media is
not permitted.

Reopening being
Unit managed.

(2).

Rem 15 - multiple visits at Addington (5). 2
with lawyer.

Rem 16 - Deen's threats over J.K. affidavit.

Rem 17 - J.D.'s visit to Pap - Cullen heard
him say, he did it for money. also
Det Deen used threats at glazing
J.D. with cons, etc. if he did not
tell him what he "wanted to know".
Feb 28 1993.

Rem 18 - Publicity by police & complainants.
right from 1st court appearance.
Holmes, slow, after J.D. told lawyer
to charge plea.
radio, T.V., newspapers.

Rem 19 - Publicity use was intentional. See
DSW files.

Rem 20 - Separate reports made to DSW,
and court. Why?

Rem 21 - why police, DSW reports so
different from truth. ~~SW~~, J.K.

Rem 22 - B.K. & DB - How to stop this?
Police would not listen.

Rem 23 - All complainants linked.

Rem 24 - Why my house was robbed
by complainants, witnessed, &
police not used to act.

Rem 25 - why Glais Ball not charged
over sex drugs - Timara -
now has Scott's baby.

(3)

Rem 26 - Reave used all information I supplied in my defence to him, to elicit statements from all concerned.

Rem 27 - My former police ~~was~~ stood back and allowed my elderly parents to be tossed around and my brother to be struck by Marcus Simpson.

Rem 28 - During my hearings, threats were made by Marcus Simpson, tone ~~incredibly~~ ^{tone} by all in court. Why not act on why not hold in contempt, when that is the usual practise.

Rem 29 - Death threat note, passed through door - peep hole, day before plea change hearing.

Rem 30 - in state of mental exhaustion having suffered from serious stress for 18 months previous. Had breakdown Nov '91, now recovered. Evident emotional trauma (see psych notes - Margaret Halloway, SS Forensic J.

Rem 31 - Reave solicited names, and wrote out statement, made me sign it on "the deals off - you fry!" ("nailed to the wall").

Rem 32 - Cross ref with T. Coombe (Police) earlier spoke to parents.

(4)

Rem 33 - stolen property sold at "The Pawn Shop" Dg, SB. House destroyed

Rem 34 - Many witnesses for writing
no drink, no drugs.

Rem 35 - all info. - TV 3 (PCA) -
S, news.

Rem 36 - Posers all transcripts / police.
" " Libs - DSW looking
(media have copies).

Rem 37 - B & M, E. Boze, drugs for Boston
boys - no action by police

Rem 38 - SA. H, Ach. - all kids, ex
health camp.

Rem 39 - B, hands H.A, Lg, HK,
G.B.

Rem 40 - Glinis, HK, Pball, Alternative
care hip olds. - no action

Rem 41 - Deal was for all this to
be handed to police. Reeve not
interested. Said my word not
acceptable through circumstances.
Media have it, and proof.

Rem 42 - See parents - fuller details.

Rem 43 - propensity for record keeping.

Rem 44 - Falsified statement. Some from
Scott B, rest bullshit

(9)

Rem 84 - Bp, Mac, told, I lived him her,
of money. - Recue. Pot true.

Rem 85 - Mac told by Recue, they want to
search his house for my things.

" " - Rem Mac. turned over by police with
early Am.

(5)

rem 45 - Gaps left in transcript by
Det Power.

Rem 46 - Mr. Finlayson - the S. Kinn, a doctor
setting me up, tried it on him,
was tape, has seen lawyer P. Hall.

Rem 47 - Blackmail - SN + SB - cars etc.

Rem 48 - E's tell SB + SN, setup, put Leads
together.

⑥

Rem 49 - If threats believed by Det Pours, it was a threat to kill, why not act.

Rem 50 - why not told charges until morning 'live up'.

Rem 51 - why not told, "arrested" - Det Pours.

Rem 52 - why, never told rights?

Rem 53 - why say "reminded of rights", when not case. Never read rights, even at home during search. Father in attendance, Jay, and boards also.

Rem 54 - Not given receipt for goods seized, even though asked for.

Rem 55 - At sentencing, Police warned all in the gallery, about making trouble etc. It had occurred at every hearing, not discouraged by police. They did nothing, when a fight broke out & brother assaulted.

Rem 56 - why was Det Devere there in the court with SK?

Rem 57 - Supposed to be in prot custody in police station. Why put in Day room with mainstream, so far abuse & ridicule, just before 1st court appearance.

Rem 58 - Pushed in court. was on 1st floor in isolation. Officer (police) pushed me towards stairs. Had to grab rail to

⑦.

58 → avoid falling.

59 → why fun made of me, by
police speaking loudly about my
charges & laughing. Other prisoners
heard, and I was threatened, abused.

60 → why initial charge held, then
changed, and changed and changed
our remand period.

Rem 61 - why 13 court appearances?

Rem 62 - why 4 sentencing hearings?

Rem 63 - why not closed court.

Rem 64 - statement to lawyer on plea
danger day, notwithstanding SK
attadavit. It was true, (the
attadavit).

Rem 65 - why bail opposed by police without
explanation?

(Rem 66 - staple police TS of ideas, with name
addresses for lamp posts.) media have
them.

Rem 67 - why no suppression of name?

Rem 68 - accused of by new lead defence, was for
justice family?

Rem 69 - defence told my brother, am guilty, I liked
through like before him.

Rem 70 - why postcard at Dad & Dave, esp

8

Rem 70 → when in state of emotional collapse & under
psych nurse. Displeased, distressed - continuously
harassed by Reeve.

Rem 71 → why P, comp with disclaimed complaints
when all they did was ask Reeve a
few questions. He denied all.

Rem 72 → Det Reeve, Dd. → "who wouldn't believe
a crying child?" £, 00.

Rem 78 → one complaint, by "by hot barn. (See by
file.)

Rem 79 → by Reeve in disclosure session.
Interviewer "I'll see if there's anything
else Brian (Reeve) wants. Is it usual
for police to direct interview."

Rem 80 - SB. All forms filled out in advance.
& signed.

Rem 81 - Det Reeve told me "Police always
tell victim to fill out see claim, no one
can then say they had the intention
of defrauding Dd. Is this potting,
not right, removes defence in
authentic cases.

Rem 82 - Det Reeve told police, my father
"will be kicked out" of frontline
station.

Rem 82 - Family harassed by Det Reeve.

Rem 83 - My recordless Bro, Geoff, told by
Reeve, he had long record of crime.
(See mum & Dad).

(9)

- Rem 84 - Bro, Mac, told, I ~~gave~~ him ~~her~~,
all money. - Reece. Not true.
- Rem 85 - Mac told by Reece, they want to
search his house for my things.
- Rem 86. - Bro, Mac, turned over by police while
on way home from work, early A.M.
- Rem 87 - Reece told Mac, he knew S.W. molest
daughter, "can't touch him", he said.
- Rem 88 - Reece harassed family, trying to find
my car, ~~so~~ didn't say why.
- Rem 89. - Reece told family, I was "guilty", long
betac plea.
- Rem 90 - Reece told DSW, "expected me to
plead guilty (See DSW Ltr). on 5 vict.
"The Others have complications", he said

ADJOURNED

The sentencing of a Department of Social Welfare approved foster parent charged with indecencies on five boys was adjourned to December 10.

Mr Philip Hall said further investigation was required before Anthony Robert Foote, aged 34, could be sentenced.

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

S. No.78/92

R E G I N A

v.

ANTONY ROBERT FOOTE

Sentence: 16 December 1992

Counsel: R.E. Neave for the Crown
S.C. Barker for the Prisoner

SENTENCE OF TIPPING, J.

Antony Robert Foote you appear at the age of 34 for sentence on four charges of indecent assault, two charges of doing indecent acts upon boys and one charge of inducing a boy to do an indecent act upon you. There are five different victims ranging overall in age from seven to eighteen.

In respect of all you were acting as a foster parent, in two cases directly from the Department of Social Welfare and in the remaining three by informal placement. All the boys had obvious personal problems. You were in the place of a father to them and it must be said that you grossly abused the trust placed in you both by the boys and by the Department and the parents of the boys. The abuse involved masturbation and oral sex. The charges are representative or sample charges

demonstrating a course of conduct between the dates relevant to each complainant.

I have carefully read more than once all the material on the file including the pre sentence report and the victim impact statement. I will give you distinct credit for your pleas of guilty and of course for the time you have already spent in custody. I cannot elongate that time to take account of notional remission because, contrary to my own views, the Court of Appeal has said that that cannot be done except in a most unusual case, of which this is obviously not one.

I have also listened very carefully to Mr Barker's submissions on your behalf and I note in particular the following matters. It must be accepted that there was no extra brutality or force used, other, of course, than what is inherent in the offences themselves. I note also that apart from these matters you have done very good work for damaged and difficult boys. I accept that you have faced considerable pressures while awaiting sentence but there is force in the Crown's submission that that really cannot mitigate the proper sentence to any significant extent. To your credit you accept the need for counselling and help. You are a first offender and your counsel has asked me to give as much emphasis as I can to the rehabilitative element in the sentencing process.

Mr Neave for the Crown has highlighted what are the obvious aggravating features of this case. They are the gross breach of trust, the number of victims, five, and the length of time over which this offending has been going on, from May 1986 through to September of this year, using the outside dates

on the informations, albeit of course with different boys. This is a period of about six and a half years.

While there are clear differences some assistance can be gained from the decision of the Court of Appeal in a case called Darke C.A. 255/88, the judgment having been given on 20 April 1989. There seven years imprisonment was upheld, although it was said that a somewhat shorter sentence may have sufficed. In that case, quite different from yours, the appellant had offended before and was eligible for preventive detention, which you obviously are not. You have no previous convictions at all. There were five victims in Darke's case and elements of breach of trust. Although the breach of trust in my view is worse in your case than Darke the acts of indecency were significantly worse in the other case. Both of you, both Darke and you, pleaded guilty.

This case can obviously only be met by a substantial term of imprisonment. The much more difficult question is as to its length. My task is to weigh the aggravating features, which are substantial, with those which go the other way. The sentence must on any view of it denounce your crimes and express society's abhorrence, but against that the sentence must not lose perspective. It is my view that after allowing for your pleas of guilty but before crediting pre sentence custody an overall sentence of four and a half years imprisonment is appropriate.

I propose to pass the same sentence on all charges and not try and distinguish or apportion. Accordingly after allowing for your pre sentence custody the formal sentences of the Court are that on all charges you are to be imprisoned for

S. No.78/92

IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

R E G I N A

V.

ANTONY ROBERT FOOTE

SENTENCE OF TIPPING, J.

CHRISTCHURCH PRISON
DISTRICT PRISONS BOARD

FOR THE MONTH OF: MAY 1994

NAME: FOOTE Antony Robert

SENTENCE: 4 yrs 3 mths

SENTENCED: 16.12.92

PAROLE ELIGIBILITY DATE:

FINAL RELEASE DATE: 16.10.95

EXPIRY DATE: 15.03.97

DPS APPEARANCE PREVIOUS SENTENCES:

WHEN:

DECISION:

CONDUCT: During his stay at Tirohanga Paeroa Foote's conduct has been excellent.

ATTITUDE: Foote displays a mature attitude. He has formed a positive co-operative relationship with both staff and fellow inmates. He is found to be polite at all times.

INDUSTRY: Presently employed as a unit painter. In this capacity he has excelled, completing a first class job on the unit and other buildings undertaken.

EDUCATION/

RECREATION GROUPS: On entering prison Foote had a sound educational background. He has tutored other inmates in both art and literacy problems. He has kept himself busy in his spare time with painting and carving. It should be noted that most of his tutoring of other inmates was done in his own time.

INSTITUTION ASSESSMENT: Foote was transferred to Tirohanga Paeroa in April 1993 as a segregated inmate as he feared for his safety. Since May 1993 Foote has withdrawn his segregation application allowing him to take on mainstream status. He has worked very hard and undertakes all tasks given him with minimum fuss and supervision. He has developed a good working relationship with staff.

Report prepared by: *MAH*

for D. Thomas, PO Tirohanga Paeroa Unit

RE-APPLICATION TO DISTRICT PRISONS BOARD

PREVIOUS APPEARANCE:

DECISION:

COMMENTS:

A.A. Spencer
A.A. Spencer
General Manager

3^b/ Trevor is to visit Grahame at
17 CARROLL PL. Either by himself
or with Grahame's brother
David.

4/ Toni MacDonald is not to visit
17 CARROLL PL when Grahame is
there.

5/ Trevor may take Grahame out at
any time.

TREVOR LILLET (Father) *S. Lillet*

GRAHAME LILLET (SON) *Graham*

TONI MACDONALD (FATHERS PARTNER) *T. M. MacDonald*

LES LILLET (TREVORS BROTHER) *21 Lillet*

TONY FOOTE (FOOTER PARENT) *Foot*

DATED THE TWENTY SEVENTH DAY OF
DECEMBER NINETEEN HUNDRED AND NINETY.

I ANTONY FOOTE agree not to visit
The dwellinghouse of Trevor Lillet
at 16 Bower Ave under any
circumstances.

Foot

Attn Yvonne Martin

STEPHEN MURRAY HUMPHRIES
T.P.P
PRIVATE BAG 4726
CHRISTCHURCH
Tues 4th JAN 1994

COPIES SENT TO:
MIN Social Welfare
The Sunday News

To whom it may concern;

I am making the following complaint of sexual abuse, against a social worker, Neil Virtue, of the Dunedin Children and Young Persons Service.

I am making this complaint under sec 15, 16 & 17, of the Children and Young Persons amendment act, 1989.

I Stephen Murray Humphries, state the following:

- 1/ That between the years 1982 and 1985, Neil Virtue, who was my volunteer social worker at the Dunedin Boy's home, committed indecencies on me while I was in his care.
- 2/ These indecencies involved him performing oral sex on me, while he masturbated himself. This occurred on three occasions. On two of the three occasions, he took me to a motel, where the indecencies occurred.
- 3/ On one occasion, the indecencies occurred at a secluded spot just off the main road at Palmerston South when he took me with him to deliver a Toyota Land cruiser to Oamaru.
- 4/ There was an incident, not involving the same ritual, a while after the last of the former three incidents. I was given alcohol by Neil Virtue, at a pub. He had taken me there. Upon returning to his house, I was brutally sodomised by him.
- 5/ I believe that other boys in his care may be at risk from him.
- 6/ I am concerned that similar indecencies may have been committed on my brother, Michael, by Neil Virtue, while Virtue was

Stephen Humphries

Attn Yvonne Martin

11

Attn Yvonne Martin

his social worker.

7/ I have made a full written complaint ,to the Hornby police,dated 28th December 1993,covering all incidents.

I,Stephen Murray Humphries,make this complaint,dated 4th January 1994,believing it to be true and correct.

St M Humphries

Attn Yvonne Martin

Antony Robert Foote.
Private bag 4726
T.P.P

Christchurch
Sunday 19th Sept 1993.

Dear Sir;

I am presently incarcerated at Christchurch Prison. I am one of the four D.S.W foster parents convicted of abusing foster children in our care, in the past twelve months. I was convicted by way of guilty plea (which had less to do with guilt or innocence, than my desire to protect the boys concerned from the incredible emotional destruction, which would have imminently resulted to them.), although I was, and still am, innocent of those charges. That matter is still under scrutiny, and therefore not part of the reason for this letter. The purpose is, the disclosure of certain events over a ten year period, which I am no longer able to contain, for my sake and the sake of many children who have been destroyed while in the care of the Dept of Social Welfare.

I state that:

- 1/ I was involved with the Glenroy family home for boys in Christchurch, with Mr W.H. Grainger. Approx 1983 - 1986, prior to his death from heart failure. Many sexual and "bondage" type indecencies occurred there, with boys.
- 2/ Mr Laurie Gribble, Social worker D.S.W. Chch, was an acquaintance of my own. After being accused of sexual misconduct against his daughters, committed suicide. He was also to be accused of sexually assaulting a

Attn Yvonne Martin 2

young charge. 10 yr old Sandra X.

3) With children (boys) in my care, there were sexual indecencies committed by persons, not myself, which were ignored by police.

- Drugs were given to them.
- Sex was procured from them.
- Alcohol was given to them, to facilitate sex.
- Sex between two of my foster children with two women yielded 3 babies.

1 girl. 2 boys. (DSW told about all of this - refused to act).

- One of my foster boys was lured into doing sexual acts (along with at least 2 other boys) by Mr. David Rule. A well known Christchurch sex offender.

- That DSW foster parents, Brian and Marine Elliott, chch, provided alcohol and drugs to their 11 year old foster son, and several of my foster boys.

- That at least one of my teenage foster boys committed sexual indecencies on several other boys, under 12 years, including, oral sex, masturbation and anal sex. Force was used.

- That at 14 yrs, one of my foster boys, Scott John Batchelor, stayed for a period with a man, a known homosexual and ex gay (bisexual) lover of Noel Dooney, (D.S.W social worker, chch), Scott's Social Worker

Sir. The content of this disclosure is an miniscule amount of occurrences of this nature over a long period of time. The Dept of Social Welfare is fully aware of these indecencies, drugs

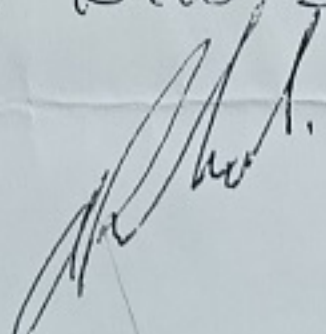
Attn Yvonne Martin
3,

etc. They have refused to act on official written complaints by myself under Sec 16, 17 of the CYP & F amendment act 1989. Police, in particular Det Reeves of Chch police, were given some of this information, but did not act, or take a statement as to its entirety. There are a great many others involved. I wish to make a full disclosure, and swear its truth. There are a great many seriously damaged boys, who were, and some still are, under the care(?) of the D.S.W.

I openly accuse the New Zealand Childrens and young persons Service (child welfare division) of conspiring to cover up and conceal the events I have disclosed to them since 1986. And I accuse them of not having proper control of children/young persons, in their care.

I swear, that all things contained in this statement are true, and I will gladly defend any rebuttal, in any court or before any committee or board, by any person or organisation.

A full release of all information will be available upon request, by any person, organisation or news media representative excepting Television New Zealand; through my agents.


(Anthony Robert Foote).
Sunday 19th September 1993.