

13 October 2014

P. Roozendaal

Manager - Complaints

Independent Police Conduct Authority

PO Box 5025,

Wellington 6145

cc. David Fisher (NZ Herald) and Gregory Brand (Waitemata Police)

Dear Sir

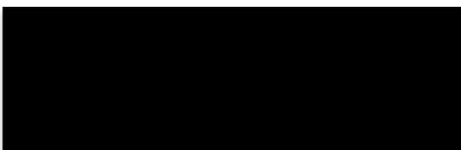
RE: Slater and Blomfield: IPCA: 12-0299/hva, IPCA: 13-1674/hva

I refer to:

1. The IPCA's letter to Mr Slater dated 13 June 2014; and
2. My letter to the IPCA dated 25 June 2014; and
3. The IPCA's letter to me dated 26 June 2014.

Background

4. As you may be aware, in 2012 Mr Slater made a number of posts to his website which he has admitted were defamatory. I have taken action against him.
5. The defamations had at least a tenuous link to a hard drive belonging to me and which had been given to Mr Slater.
6. In a police statement dated 12 May 2012 to the Waitemata Police I opined that the hard drive had been taken in a 2010 burglary in an office I shared at Hell Pizza with a Mr Warren Powell. I said then that: *"The stress meant that I wasn't paying any attention to where any of my stuff was at that time. Warren said, "Our office has been broken into", I was like "Oh [f***k], you report it to Police". And he [Mr Powell] went and reported it to Police".*



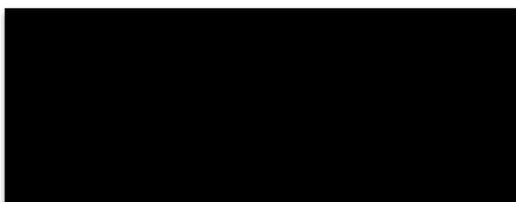
7. In a later statement to the High Court I stated that the theft of the hard drive had been reported to the Police at the time of the burglary.
8. Mr Slater, who had unbeknownst to me, had actually received the hard drive from Mr Powell (or his associates), was also aware that the hard drive had not, as I believed, been reported stolen by Mr Powell.
9. The exact chain of evidence which lead to Mr Slater acquiring the hard drive is yet to be determined but, suffice to say, without drawing any conclusions, Justice Asher in his judgement of 12 September 2014 had this to say:

[133] Mr Blomfield alleges that his filing drawers and hard-drive were stolen. This issue has not been addressed by Mr Slater in any detail. He confirms he had these items in his possession, but denies that they were stolen. While Mr Slater denies having been party to the unlawful taking of the hard-drive and other materials, he offers no detail.

[134] In the ordinary course of events persons do not legitimately come by the personal hard-drive and filing cabinets of other persons. Even if Mr Slater was not party to any illegality, it seems likely that the information was obtained illegally by the sources, and this diminishes the importance of protecting the source...

10. In light of this finding by a High Court Judge, the finding of the Police that the hard drive was not stolen from me is somewhat untenable. Somewhere along the line, an intention to permanently deprive me of the hard drive and its content was formed and executed. I have previously provided you with a legal opinion outlining the crimes committed and I understand that this matter is being reinvestigated by the Police.

11. You may also be aware that the Police inaction on my case, and their alacrity in dealing with Mr Hager, has been the subject of some derision in the press.



Misuse of Letters by Mr Slater

12. Mr Slater has consistently attempted to cast my statement to the Police and my subsequent affidavit's as perjury. To the best of my knowledge the IPCA has never sited any of these documents and does not cite any particular affidavit in its letter to Slater.
13. Perhaps unwittingly, the IPCA has added fuel to his fire.
14. The letter dated 13 June 2014 was rather badly written in two respects:
 - i. It states, without attributing the words to Mr Slater, in relation to my affidavit: "This is an act of perjury."
 - ii. It also repeats, without qualification, that the Police have determined that the hard drive was not stolen.
15. Your letter to me of 26 June 2014, whilst hardly the apology I deserved, should have put paid to the matter. I sent a copy to Mr Slater.
16. Mr Slater has repeatedly asserted, based on your 13 June 2014 letter, that the IPCA believe I committed perjury, and that the finding of the Police that the drive was not stolen has the unqualified backing of the IPCA.
17. Whilst the High Court, in the recent case, could easily see his claims for what they were, Mr Slater has now taken the step of publishing your letter of 13 June 2014 on the internet through Twitter and has linked it to his website. The 26 June 2014 letter is, of course, nowhere to be seen.

<https://twitter.com/Whaleoil/status/520056900843356160>



Sir Whaleoil
@Whaleoil

Fisher left this out "Police note that their investigation found the missing hard drive to have never been stolen."
whaleoil.me/1si7wpp

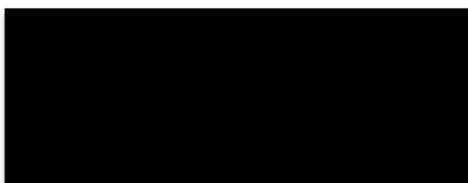
1 Retweet

8:43 PM - 8 Oct 2014

Reply to @Whaleoil

Trends

#MalalaYousaZai #NobelPeacePrize #DayOneNC Wendy Davis Kailash Satyarthi
#SOSGOODGIRLSMUSICVIDEO New Zealand #ulearn14 Idaho Auckland



Result

18. This puts me in an invidious position. Whilst I can see the correspondence for what it is, published without context, as it is, the 13 June 2014 gives considerable impetus to the claims of Mr Slater, and is a defamation.

19. The last thing that I want to do is to take action against the IPCA but the actions of Mr Slater don't leave many options.

Required action

20. Accordingly, I ask:

- i. That your office writes to Mr Slater retracting what was said in your letter of 13 June 2013, with a copy to me. The retraction should:
 - a. Make it quite clear (not in the weasel words used on 26 June 2014) that the IPCA in no way alleges that I committed perjury; and
 - b. Make it clear that the initial Police decision as to whether the hard drive was stolen is under review.
- ii That your office provides me with a formal apology in similar vein and in a form that I can provide to the High Court as a response to your 13 June 2014 letter given that Mr Slater clearly intends to rely on it at an upcoming trial.

21. I ask that you respond to this letter as matter of urgency by 5pm Monday 13 October 2014 as the content is currently in the public eye and continue to cause me damage. These requests are made in accordance with the Defamation Act 1993 (Part 3 Remedies).

Yours faithfully



Matthew Blomfield

