

**POLICE**

v

**PAULIASI WELLINGTON POUVALU AFA VAOMOTOU**

Date: 6 August 2021

Appearance: Senior Sgt. T Manavaroa for prosecution  
Mr K Ahsin for defendant

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**SENTENCING NOTES OF DOHERTY J**

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[10:24:20]

[1] Pauliasi Vaomotou, you are for sentence on two charges of theft as a servant. You were employed by the Cook Islands Police, and between 27 November last year and 11 January of this year, you stole a total of \$5,258.75.

[2] Those monies came from funds of the Cook Islands Police Service Women's Advisory Network, which is an organization set up to promote the aspirations of women within the Police Service.

[3] You were originally employed as a Finance and Human Resources Officer. You were also personally a financial contributor to that fund. You had been elected to the position of Assistant Secretary to the network and you were also a signatory to its affairs. So you had excess to its financial coffers.

[4] You transacted ten cheques – all of them spent on food or alcohol or accommodation for you and your friends or your family. And to be fair it was a relatively unsophisticated theft.

You used your ability to sign and you forged the signatures of co-signatories to the account. So you were probably always going to be found out; it was just a matter of when.

[5] I am advised through the Probation Service and from your counsel that as a young man you found yourself eager to please and to be out and about in the community with your mates and pay your way. Those are all good things for young men to do as they enter into adulthood. But it is not a good thing to use someone else's money.

[6] There is a total of \$5,058.25 sought for repayment. And I understand from counsel and from police that you have already made some inroads into that.

[7] You are a first offender. You are now 21 years of age and despite the Island knowing that you have done this because of the publicity for it, you have managed to gain some employment at a local hotel. And from your wages you have commenced repayment.

[8] The Probation Service have given me a report. They tell me that you are back living with your family; your father, stepmother and brothers and sisters in Nikao.

[9] You are remorseful and you feel great shame for what you have brought upon your family. You have still got the family support. You have accepted your offending, you have immediately owned up to it and made a full confession.

[10] The Probation Service recommends a short term of imprisonment followed by probation and making sure you pay the money back.

[11] Police originally submitted along the same lines that deterrence means you should be sentenced to imprisonment. And they have referred me to number of similar sort of cases here on the Islands, where people in positions of responsibility have stolen and spent.

[12] No two cases are the same and in your case when you are being compared with some of those the police have referred me to, the amount of money is not substantial. Others of the cases have been in the tens of thousands.

[13] The aggravating features of your offending, firstly, is that you meant to do it. It was systematic, even if it was unsophisticated. You also forged someone else's signature to it and

I am surprised there are not charges of forgery brought against you. There is the breach of trust, firstly, to the community. Those who work for the police are not expected to be offenders. You have breached the community's expectations of the police force. There is also your workmates, not only was it their money but your offending puts suspicion on some of them. And they have had to endure that.

[14] In mitigation is your immediate owning up to this and your guilty plea. Although it was probably, as I said earlier, was going to be hard to hide it. You say you are remorseful although the Probation Service are not all that convinced. And their report says this; "Although apologetic in asking for the Court for leniency, it did appear somewhat superficial and based more on his awareness that what he had done was wrong, subsequently resulting in being caught and bringing shame to his family."

[15] Your lawyer has made submissions which back up those matters particularly, all the things that you should get a credit for. He says that you are deeply remorseful. I am not quite sure about that.

[16] The purposes of sentencing you are to denounce your conduct, to hold you accountable and make you responsible for your offending, to deter others from wanting to do the same sorts of things, taking the easy way and using someone else's money to fund their lifestyle.

[17] But there is also the question of rehabilitation. Rehabilitation, not just for you, but for those that you affected in putting them back in the right position; that is repaying the money. And it is that, which is the greatest thing you have going for you because you found a job, even though that would have been difficult, and you have started to pay back this money. And have paid back more than \$1,500 I am led by counsel to believe, already.

[18] A sentence of imprisonment would probably mean you would find it very difficult once you were released to find employment to enable you to do that and repay it all.

[19] So I am persuaded by the submissions of your counsel and now the police view that they have seen that you mean to repay this as quickly as possible, that I am not going to send you to prison. I think deterrence and denunciation can be dealt with by way of a combination of supervision and community service as well as paying back the money.

[20] So you are sentenced to a term of 18 months' probation. Six months of that will be by way of community service, and the conditions of your probation are that you also pay restitution of \$5,058.25 within that term of probation. The monies you have already paid will be credited to that; so you do not have to pay more than you stole.

[21] You are also not to leave the Cook Islands without the approval of this Court, which will mean that will not be happening at least until there is a positive Probation Service report and all of the money is repaid.

[22] Stand down.

A handwritten signature in blue ink, appearing to read "Colin Doherty J.", is written above a horizontal line.

**Colin Doherty, J**