



24th August 2009

Final results of 2 year review of police activity since enactment of the Crimes (substituted section 59) Amendment Act 2007

BACKGROUND

This report details the results of two years of monitoring the impact on police activity since the enactment of the Crimes (substituted section 59) Amendment Act 2007 (the Act).

Police has monitored activity for a two year period since the Act's enactment on the 22nd June 2007. A comparative 3 month pre-enactment period was reviewed. This was completed for comparative purposes only and is not formally included of the review period.

Monitoring was undertaken so that Police could respond proactively to any issues which might arise following the enactment. It was also done to provide specific information on the number of calls to police about child assaults involving 'smacking' and 'minor acts of physical discipline' compared with 'other child assaults'.

METHODOLOGY

The Police Family Violence Governance Group and the Ministry of Social Development agreed to:

- Examine offences recorded in the following seven offence types:

Assault Child (Manually)
Assault Child (Other Weapon)
Common Assault (Domestic)(Manually)
Common Assault (Manually)
Other Assault on Child (Under 14 Years)
Common Assault Domestic (Other Weapon)
Other Common Assault #1649

And based on this examination the events were allocated to one of each of the following categories: 'smacking', 'minor acts of physical discipline' and 'other child assault'. The rationale used to allocate each event to a specific category involved consideration of the:

- actual physical action used in the child assault; **and**
 - the context and the surrounding circumstances, as outlined in the Commissioners Circular.
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- Review prosecution files of those events which had been categorised as 'smacking' or 'minor acts of physical discipline'.

- Consult the Police Child Abuse Teams and Family Violence Co-ordinators to determine the impact of activity on Teams and Co-ordinators.
- Consult police districts and areas to seek feedback on practice issues and usability of the Commissioner's Circular issued in June 2007. This is the practice guide which Police has used since the Act's enactment:

www.police.govt.nz/news/release/3149.html

The number child assault events identified in each review period does not reflect the total number of child assault events attended by police during each period. This monitoring was established to identify child assault events involving smacking. The actual number of child assaults attended by police is higher.

NUMBER OF CASES

Below is a table giving the number of cases reported to Police from 23rd June 2007 through to 22nd June 2009 which were identified as potentially involving a smacking element.

Event Type	Volume of Cases
Smacking	36
Minor Acts of Physical Discipline	179
Other Child Assaults	848
Total	1063

RESOLUTION OF CASES

The Police reviews tracked the resolutions for each 'smacking' and 'minor acts of physical discipline'.

Resolutions for 'other child assaults' were not monitored.

Below is a table giving the resolution (that is, warning or prosecution) of cases reported to Police from 23rd June 2007 through to 22nd June 2009.

Event Type	Warnings/NFA	Prosecutions	Total
Smacking	35	1	36
Minor Acts of Physical Discipline	166	13	179
Total	201	14	215

OUTCOMES OF PROSECUTED CASES

There were no prosecutions for the first review period for either 'smacking' or 'minor acts of physical discipline' cases. Over the remaining four review periods there were 14 cases prosecuted, made up of fifteen charges. These were:

- 4 charges of 'common assault'; and
- 11 charges of 'assaults child'.

There was one prosecution for a 'smacking' case over the five review periods; this was subsequently withdrawn with leave.

All other prosecutions relate to 'minor acts of physical discipline'. Sentences for 13 of the 14 cases include:

- Diversion;
- Discharge without conviction;
- Conviction and discharged;
- Supervision; and
- Convicted and to come if called upon.

The remaining case is yet to be heard in court.

REVIEW PERIODS

Review Period 1: 23rd June 2007 - 28th Sept 2007 (3 months)

Review Period 2: 29th Sept 2007 - 4th April 2008 (6 months)

Review Period 3: 5th April 2008 - 3rd October 2008 (6 months)

Review Period 4: 4th October 2008 - 4th April 2009 (6 months)

Review Period 5: 5th April 2009 - 22nd June 2009 (2 months)

NUMBER OF CASES BY REVIEW PERIOD

Event Type	Review 1	Review 2	Review 3	Review 4	Review 5	Total
Smacking	3	13	9	8	3	36
Minor Act of Physical Discipline	12	69	49	39	10	179
Other Child Assault	96	206	200	232	114	848
Total	111	288	258	279	127	1063

RESOLUTION OF CASES (Excluding 'other child assault')

Event Type	Resolution	Review 1	Review 2	Review 3	Review 4	Review 5	Total
Smacking	Warning/No further action ²	3	13	8	8	3	35
	Prosecution	0	0	1	0	0	1
Minor Act of Physical Discipline	Warning/No further action	12	65	45	35	9	166
	Prosecution	0	4	4	4	1	13
Total		15	82	58	47	13	215

MONITORING UNDERTAKEN FOR COMPARATIVE PURPOSES

A comparative 3 month pre-enactment period was reviewed. This was completed for comparative purposes only and is not part of the review period.

The following table shows monitoring of 17th March 2007 - 22nd June 2007 (3 months):

Event	Number
"Smacking"	3
"Minor act of physical discipline"	10
"Other child assault"	82
Total:	95
