

**4th review of police activity since enactment of the Crimes (substituted section 59) Amendment Act 2007**

**BACKGROUND**

This report details the results of the 4th review of police activity since enactment of the amendment on 22nd June 2007 and covers the period 4th October 2008 to 4th April 2009.

Police undertook to monitor activity for a two year period from enactment. A review of the 3 months prior to enactment also took place for comparison purposes.

It was agreed that monitoring the impact would enable police to proactively respond to any issues which arose following enactment, and would provide specific information on volumes of calls to police about child assaults involving "smacking" and "minor acts of physical discipline" versus other child assaults.

This report also details outcomes of previous reviews.

**SUMMARY**

Findings of the 4th review are in line with previous reviews and show that there has been minimal impact on police activity since enactment.

**METHODOLOGY**

The review is based on the following actions:

- Review of seven key offence types in police statistics to identify the volume of 'smacking', 'minor acts of physical discipline' and 'other child assaults'.
- Review of prosecution files.
- Consultation with Police Child Abuse Teams and Family Violence Co-ordinators to determine the impact of activity on Teams and Co-ordinator.
- Consultation with police districts and areas to seek feedback on practice issues and the usability of the Commissioner's Circular.

The terms 'other child assault', 'minor acts of physical discipline' and 'smacking' have been created for monitoring purposes so the reviews could accurately reflect the complex nature and context of each case.

Each event was placed into one of three distinct categories and included consideration of the actual physical action used in the child assault, and the context and surrounding circumstances, as outlined in the Commissioner's Circular.

The child assault events identified in each review period are not the total number of child assault events attended nationally by police during this time.

They are events identified by seven offence codes most likely to include "smacking" type incidents. This is because "smacking" in itself is not an offence.

## OUTCOMES OF CURRENT REVIEW PERIOD

During the current review period (4th October 2008 to 4th April 2009) police attended 279 child assault events, 39 involving 'minor acts of physical discipline' and 8 involving smacking.

Compared with the previous review period there was:

- A small decrease in 'smacking' events (one less than the previous period);
- A decrease in 'minor acts of physical discipline' events (10 less than the previous period); and
- An increase in 'other child assault' events (36 more than the previous period).

### *Resolution outcomes:*

No prosecutions were made for 'smacking' events during this period. Police prosecuted 4 of the 'minor acts of physical discipline' events, of those four, one was discharged without conviction and the other three cases are yet to be heard at the time of writing this report.

Charge	Resolution outcome
Assault Child	s106 Discharge without Conviction
Assault Child x2	Remanded on Bail to August 2009
Assault Child	Remanded on Bail to July 2009

### *Referrals to other agencies:*

Of the eight 'smacking' and the 39 'minor acts of physical discipline' events, files indicate that 11 were referred to Child Youth and Family and five were referred to an inter-agency Case Management meeting (Family Violence Inter-Agency Response System or FVIARS). A breakdown of referrals is provided in the table below.

Events	Referral to CYF	Referral to FVIARS	Referral to other agency	Referral not specified
'Smacking'	3	1	0	0
'Minor act of physical discipline'	8	4	0	0

## COMPARISON WITH PREVIOUS 6 MONTH REVIEW PERIOD

During the previous review period (5th April 2008 to 3rd October 2008) police attended 258 child assault events of which 49 were "minor acts of physical discipline" and 9 involved smacking.

Events	Third Review of Police Activity 13 months after the amendment 5 April 2008 to 4 July 2008	Third Review of Police Activity 16 months after the Amendment 5 July 2008 to 3 October 2008	Fourth Review of Police Activity 19 months after the amendment 4 October 2008 to 2 January 2009	Fourth Review of Police Activity 22 months after the amendment 3 Jan 2009 to 4 April 2009
'Smacking'	3	6	3	5
'Minor acts of physical discipline'	19	30	16	23
'Other child assault'	93	70	90	109
No Further Action or Not Specified'	18	19	20	13

## OUTCOMES OF ALL REVIEW PERIODS:

(Note the review periods immediately prior and post the amendment were 3 months in duration. Subsequent review periods were 6 months in duration.)

Events	17/3/07 - 22/6/07 (3 months prior to Amendment)	23/6/07 - 28/9/07 (3 Months after Amendment)	29/9/07 - 4/4/08 (6 months)	5/4/08 - 3/10/08 (6 months)	4/10/08 - 4/4/09 (6 months)
"Smacking"	3	3	13	9	8
"Minor acts of physical discipline"	10	12	69	49	39
Other child assault	82	96	204	200	232
Total	95	111	288	258	279

The final police review period covers 5th April 2009 to 22nd June 2009.  
Collation of this data is currently underway.

## COMMENT FROM DEPUTY COMMISSIONER (OPERATIONS) ROB POPE:

"We are nearing the end of the two year review period post enactment. The reviews were undertaken to allow police to monitor the impact on police activity and proactively respond to issues as they arise."

"I am confident in saying that this latest review again shows the amendment has had minimal impact on police activity. It continues to be "business as usual" for us and police continue to use their discretion and common sense in their decision making around child assault events."

"The reviews Police have conducted are based on thorough analysis of cases and include feedback from police districts".

"This feedback continues to support the Commissioner's Circular on the amendment as a helpful and common sense guideline for police who are dealing with child assault events."

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