



24th August 2009

5th review of police activity since enactment of the Crimes (substituted section 59) Amendment Act 2007

BACKGROUND

This report details results from review of the 5th period of relevant Police activity since enactment of the Crimes (substituted section 59) Amendment Act 2007. This review covers the period 5th April to 22nd June 2009.

Police has been monitoring the impact of the Amendment on Police activity for a two year period since Act's enactment on the 22 June, 2007. This short review period of just over two months marks the end of the two year process. A review of the 3 month period pre-enactment was also undertaken for comparative purposes.

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'.

SUMMARY

This short review period shows that the amendment has had a minimal impact on police activity. This is in line with the 4 previous reviews.

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.
- 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.

OUTCOMES OF 5TH REVIEW PERIOD

During the 5th review period, Police attended a total of 127 child assault events, of which 3 involved 'smacking' and 10 involved 'minor acts of physical discipline'.

Event	Number
"Smacking"	3
"Minor act of physical discipline"	10
"other child assault"	114
Total	127

In this period, there were no prosecutions of child assault events involving 'smacking'.

Police prosecuted one 'minor act of physical discipline' during this review period. This charge of Assault Child (Manually) is yet to be heard in court.

Of the 3 'smacking' and the 10 'minor acts of physical discipline' events, files indicate that 4 were referred to Child Youth and Family and 3 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 ¹
'Smacking'	2	1	0	0
'Minor act of physical discipline'	2	2	0	5

¹ Not specified indicates that the information is not recorded on the electronic file and does not necessarily mean that a referral was not completed.

COMPARISON WITH PREVIOUS REVIEW PERIODS

Police have published a separate report summarising the results from all the review periods since enactment of the amendment in June 2007, together with the results from the three month period prior to enactment. The complete report is available on the police website:

www.police.govt.nz/resources
