

# **THIRD REVIEW OF POLICE ACTIVITY FOLLOWING THE ENACTMENT OF THE CRIMES (SUBSTITUTED SECTION 59) AMENDMENT ACT 2007**

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Released by: Rob Pope, Deputy Commissioner, Operations

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## **Background**

On 22 June 2007, the Amendment came into force. Following the commencement, Police agreed to undertake a three month review and subsequent six monthly reviews of the impact of the Amendment on Police activity.

A summary of the previous review findings are:

- There was very little impact on Police activity over this period;
- During the first review period (covering three months post enactment) Police attended a total of 111 child assault events; three events involved smacking and 12 events involved minor acts of physical discipline. All three smacking and 12 minor acts of physical discipline were determined to be inconsequential and not in the public interest to prosecute; and
- During the second review period (covering six months) Police attended a total of 288 child assault events; 13 events involved smacking and 69 events involved minor acts of physical discipline. Four of the minor acts of physical discipline events were prosecuted. Two were resolved by Conviction and Sentenced: to come up if called upon 6 and 12 months, one was withdrawn due to successful adult Diversion and one is yet to be heard.

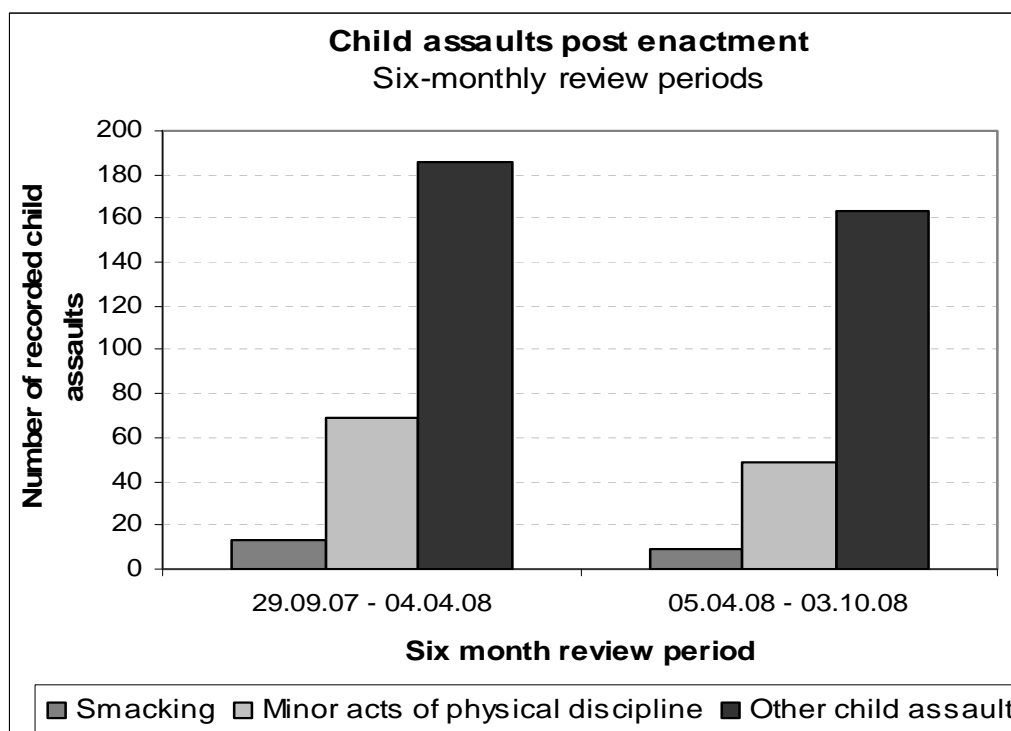
## ***Methodology***

All reviews employed the same methodology. This entailed reviewing all Police statistics to identify "smacking", "minor acts of physical discipline" and other assaults. Also reviewed were prosecution files involving child assault cases. Internal consultation and District feedback determined the impact of activity on their everyday activity.

## **Current Review Period**

### ***Volume of smacking and minor acts of physical discipline***

- Police attended a total of 258 child assault events during the third review period. A total of 58 events involved either smacking (nine) or minor acts of physical discipline (49).
- There has been a decline in the total number of child assault events attended by Police during this review period, as highlighted in the table below. There has also been a corresponding decrease in the number of child assault events involving smacking and minor acts of physical discipline.



### ***Referral to other Agencies***

Of the 58 child assault events involving smacking or minor acts of physical discipline, 40 were referred to either the Ministry of Social Development (Child Youth and Family) or an inter-agency Case Management meeting.

### ***Resolution outcomes***

Police prosecuted one of the nine child assault events involving smacking during this review period. This prosecution was subsequently withdrawn with leave, as the primary witness declined to give evidence. The Police have the ability to relay the charge at any point in the future.

Police prosecuted four of 49 child assault events involving minor acts of physical discipline during this review period. The charges and outcomes of these were as follows:

<b>Charge</b>	<b>Resolution outcome</b>
Common Assault	Convicted and Sentenced: 6 months Supervision
Assault Child	Convicted and Sentenced; 6 months Supervision
Assault Child	Convicted and Sentenced : 9 months Supervision
Assault Child and Common Assault	Remanded at large to appear 19 January 2008.

## **Commissioner's Circular**

As with the previous review, Police Districts were surveyed to seek anecdotal feedback on practice issues and the usability of the Commissioner's Circular. All of the feedback remained that the Commissioner's Circular is a helpful and common sense guideline. No changes were recommended.

Police continue to remain confident that Officers are using their discretion to ensure the appropriate action is taken with regard to each child assault event they attend.

Rob Pope Deputy Commissioner, Operations