

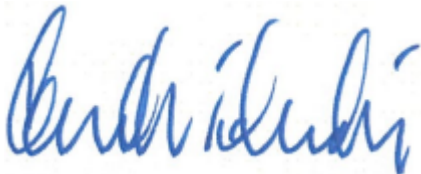
Senior officer unlawfully disciplined his children with a belt

1. On 28 July 2023, a senior Police officer (Officer A), who is the officer-in-charge at a North Island location, came to the attention of Police and Oranga Tamariki when it was reported that he had physically disciplined his children using a belt. Police advised the Authority and initiated an investigation along with Oranga Tamariki.¹
2. When Police and Oranga Tamariki spoke to Officer A's children in preliminary (child-focused) interviews, the children said their father had used a belt to discipline them on three occasions. This preliminary interview approach is orthodox in cases of this nature. The information gathered is not evidential. Oranga Tamariki ended their involvement when they completed a risk assessment and concluded that the children were not likely to face further harm.
3. When asked by Police, Officer A and his wife refused to give permission for their children to be interviewed for evidential purposes. After Oranga Tamariki withdrew, Police chose not to pursue other avenues to interview the children. Later, Officer A elected not to make a statement to Police, as was his right. This brought the criminal investigation to an end as there was insufficient admissible evidence to proceed further.
4. The Authority commenced an independent investigation and interviewed Officer A and his wife. Pursuant to our legislation, no information gathered by us from a person is admissible in evidence in any court or other proceeding.²
5. Officer A admitted to us that he physically disciplined his children. He said that on two different occasions he had used a webbing belt on them, striking their buttocks and upper legs. This had occurred most recently in relation to two daughters (one was a young teenager and the other under 10 years old) because they had been fighting, including in church, and about a year earlier in relation to a son (also under 10) as he had been "*naughty*".
6. Officer A told us that he and his wife worked hard to be good parents, but, when other methods failed, he used his belt to "*re-set*" his children. He also acknowledged to us that he was aware physically disciplining children was no longer protected by the law.

¹ Section 15 of the Independent Police Conduct Authority Act 1988 requires Police to notify the Authority of every complaint it receives.

² Section 25(4) of the Independent Police Conduct Authority Act 1988 – protection and privileges of witnesses, etc.

7. As Officer A's physical discipline was for the purpose of correction, he cannot rely on the defence in section 59 of the Crimes Act, which provides that reasonable force on a child may be justified in certain circumstances. Accordingly, our view is that the officer's use of a belt to discipline his children constituted three offences of assault on a child.³
8. Having formed this opinion, the Authority must convey this to Police, and may, in doing so, make recommendations, including the consideration of criminal and/or employment proceedings. In this case, a recommendation was not necessary due to Police having already completed criminal and employment processes.
9. As outlined above, Police had insufficient evidence for a criminal charge. They then completed an employment process which resulted in the officer being censured for serious misconduct. Inexplicably, one of the mitigating factors Police took into account when considering the appropriate sanction, was that they had not initiated criminal proceedings.
10. In our assessment, the sanction (which we accept was ultimately a matter for the decision maker) was grossly inadequate given the nature of the officer's actions and the officer's seniority, position and level of responsibility.
11. The Authority delayed publishing this report until the completion of the officer's employment process.



Judge Kenneth Johnston KC

Chair
Independent Police Conduct Authority

20 February 2025

IPCA: 23-19002

³ The Authority's role is to oversee Police, with our jurisdiction clearly set out in the Independent Police Conduct Authority Act 1988. Our role in relation to investigations we undertake is that we shall form an opinion on whether any act was contrary to law, was unreasonable, unjustified, unfair, or undesirable.