

**Submission
No 4**

ASSAULTS ON MEMBERS OF THE NSW POLICE FORCE

Name: Dr Kelly Hine
Position: Lecturer
Date Received: 28 August 2020



27 August 2020

Mark Tuckerman (LIB, LA Member)
Chair
Legislative Assembly Committee on Law and Safety
Parliament House
Macquarie Street
SYDNEY NSW 2000

Re: Inquiry into assaults on members of the NSW Police Force

Dear Mr Tuckerman

Thank you for the opportunity to provide this submission to the Legislative Assembly Committee on Law and Safety Inquiry into Assaults on Members of the NSW Police Force.

I am a Policing Researcher and Lecturer in the Centre for Social Research and Methods (CSRM) at the Australian National University (ANU). I have researched extensively on policing and, more specifically, published on issues involving assaults on police in the below peer-reviewed international journals (copies available on request).

- Hine, K. A., & Carey, S. (in press). The current nature of police fatalities in Australian and opportunities for prevention. *Current Issues in Criminal Justice*. doi:10.1080/10345329.2020.1784502
- Hine, K. A., Porter, L. E., Westera, N. J., & Alpert, G. P. (2018a). The understated ugly side of police-citizen encounters: situation, suspect, officer, decision-making, and force predictors of officer injuries. *Policing and Society: An International Journal of Research and Policy*, 28(6), 665-683. doi:10.1080/10439643.2016.1251430
- Hine, K. A., Payne, J. L., & Piquero, A. R. (in press). When suspects resist arrest: prevalence, correlates, and implications for front-line policing. *Police Quarterly*
- Hine, K. A. (2017). *Understanding police use of force encounters in context: What encounters look like, circumstances when officers get injured, and the decision factors and processes involved* (Doctoral thesis). Griffith University: Brisbane
- Hine, K. A., Porter, L. E., Westera, N. J., & Alpert, G. P. (2018b). Too much or too little? Individual and situational predictors of police force relative to suspect resistance. *Policing & Society: An International Journal of Research and Policy*, 28(3), 587-604. doi:10.1080/10439643.2016.1232257
- Hine, K. A., Porter, L. E., Westera, N. J., Alpert, G. P., & Allen, A. (2019). What were they thinking? Factors influencing police recruits' decisions about

force. *Policing & Society: An International Journal of Research and Policy*, 29(6), 679-691. doi:10.1080/10439463.2018.1432615

- Hine, K. A., Porter, L. E., Westera, N. J., Alpert, G. P., & Allen, A. (2018). Exploring police use of force decision-making processes and impairments using a naturalistic decision making approach. *Criminal Justice and Behavior*, 45(11), 1782-1801. doi:10.1177/0093854818789726

Please find below my comments on the Inquiry's terms of reference.

A) The current incidence of assaults against police officers and recent trends in such assaults

Within the policing research, there are relatively few studies that examine assaults against police officers – particularly in an Australian context. The majority of research that does examine the topic derives from the US, however, both society and policing practices are very different in Australia to the US. Subsequently, policing patterns and trends may also differ between these countries and, therefore, knowledge from the US cannot always be applied to Australia. Hence, there is a significant gap in the knowledge about assaults against police officers despite its prevalence and, sadly, the sometimes fatal consequences. More research is needed to gain a better understanding of the circumstances involving assaults against police in an Australian context in order to inform best practices to reduce and prevent assaults against the police from occurring.

Outlined below is a brief overview of three Australian research projects and some of their relevant key findings. It is recommended that members of the committee should refer to the original publications in full for a thorough understanding of the findings and their context. The first study examined police fatalities in Australia including New South Wales (NSW) Police officers who died as a result of an assault. This study provides insights into the most serious incidences of assaults against police. The second study examined Queensland Police officers who sustained injuries during significant events. While this study did not specifically examine NSW Police officers, it does provide insights into the circumstances in which officers get hurt as a result of assaults. Finally, the third study examined suspect resistance in Australia. This study helps to provide insights into the circumstances of when suspects resist and why suspects might resist arrest. For a detailed overview of each of these studies, please refer to the published findings outlined above. I am happy to expand on anything in this submission as required.

1. Assaults against police resulting in officer fatalities

An overview of findings from:

Hine, K. A. & Carey, S. (in press). The current nature of police officer fatalities in Australia and opportunities for prevention. *Current Issues in Criminal Justice*. doi:10.1080/10345329.2020.1784502

In this study, my colleague and I conducted an analysis of all Australian police officer fatalities between 2002 and 2019 as recorded on the National Police Memorial

Honour Roll. This website commemorates officers who have been killed on duty or died as a result of their duties.

During this time, there were 39 Australian police officer fatalities recorded. While assaults on officers were not the most common form of fatalities, they still represented almost a third of all deaths as a result of their duties. Of the 39 fatalities, 12 fatalities (30.77%) were as a result of an assault against a police officer. The other officer fatalities involved accidents (23 fatalities; 58.97%) or health-related¹ fatalities (4 fatalities; 10.26%).

Typically, assault fatalities were the result of extreme and violent attacks. With the exception of two cases, the assault fatalities were always as a result of being shot.

While NSW Police Force had the largest number of fatalities, this may be a reflection of the size of the agency. It is noted that the New South Wales Police Force is the largest police agency in Australia in terms of both the number of officers and the size of the population they police. Majority of the assault fatalities were officers from the NSW Police (5 cases). This number is followed, perhaps again in a reflection of relative size, by Queensland (4 cases; 10.26%), Victoria (2 cases; 5.13%), and the Australian Federal Police (1 case; 2.56%).

For the purposes of this inquiry, the data set was further explored to specifically examine police fatalities as a result of assaults in New South Wales. This analysis revealed that the officers were of various ranks and were performing a range of duties at the time. There did not appear to be any pattern or trend to both the ranks and the duties of the officers with fatalities ranging from general traffic duties to the execution of a search warrant. Ranks included a Detective Inspector responding to a neighbour dispute, a Senior Constable performing a random breath test, a Detective Constable who was executing a search warrant, a Constable who engaged with a stolen vehicle while on traffic duties, and a non-sworn officer who was shot while walking out of headquarters.

Overall, the findings from this study suggest that, despite being a relatively rare occurrence, serious assaults do occur that result in officer fatalities. These events tend to be extreme and violent occurrences without any specific trend or pattern regarding the experience of officers (reflected as ranks) nor the call for service. It is recommended that members of the committee should refer to the original publication for the complete findings of the study and its context of the findings.

2. Assaults against police resulting in officer injuries

An overview of findings from:

Hine, K. A., Porter, L. E., Westera, N. J., & Alpert, G. P. (2018a). The understated ugly side of police-citizen encounters: situation, suspect, officer, decision-making, and force predictors of officer injuries. *Policing and Society: An International Journal of Research and Policy*, 28(6), 665-683. doi:10.1080/10439643.2016.1251430

¹ It is important to note that these figures do not include suicide

In this study, my colleagues and I conducted an analysis of officer injuries using official data from the Queensland Police Significant Event Messaging System (SEMS). While, this research focused on Queensland Police rather than the New South Wales Police, it does provide some insights into how officers are getting injured while on duty. Specifically, the study examined police-citizen encounters that resulted in an injury including assaults against police and non-compliant suspects. All cases analysed were serious incidences due the nature of the reporting system that was utilised for the data analysis. The data consisted of 202 significant police-citizen encounters in Queensland between February 17, 2009 and June 18, 2012.

The study found that almost half the officers in these encounters sustained an injury. Although such a high proportion may be due to the data focusing on significant events and is not representative of general everyday policing encounters. Of the 202 encounters, 89 (44.06%) officers reported sustaining injuries.

These injuries ranged in type but tended to represent that the injuries sustained were a consequence of suspects resisting and the suspects were taking advantage of an opportunity to assault and lash out at the officers rather than planned attacks. For example, most of the time, officers were being kicked, punched, or head-butted (35.96%) or bitten, scratched, and spat-on (31.46%). A further 7.87% of officers experienced both of these two categories during the same event. There were, however, 10.11% of officers who sustained injuries as a result of a weapon (such as being stabbed), however as previously mentioned, there was nothing in the reports to indicate that these events were premeditated attacks, rather the results of opportunities taken by the suspect when resisting arrest.

Officers who sustained injuries mostly occurred during already volatile situations (or calls for service). Most of the time these were social disturbances (such as domestic violence, disturbances/disputes) (55.81%) and serious incidents (such as serious assaults, armed persons, and breakers at premises) (12.79%). Officer injuries sustained during minor incidences (such as vehicle intercepts and theft/stealing) occurred 25.58% of the time. Additionally, officers sustained injuries 5.81% of the time during incidences involving a person with mental illness or who were suicidal.

The study also conducted a logistic regression to identify predictors of officer injuries to find that one of the most predictive factors of officer injuries were incidences involving physically aggressive suspects. Moreover, the biggest predictor of officer injuries were incidences where the officer used lower levels of force compared to suspect resistance. However, it is noted that this does not indicate that officers should use more force as the analysis did not find this to be a significant factor. Please see Hine et al. (2018b) for more information about the police use of force relative to suspect resistance.

In summary, this study highlights the prevalence of officers who sustain injuries as a result of assaults against police or sustained by resisting suspects. While most of the injuries tended to be minor, almost all injuries required hospital attendance. The findings suggested that these incidences tended to occur during already volatile situations (such domestic disputes) with physically aggressive suspects. It is recommended that members of the committee should refer to the original publication for the complete findings of the study and its context of the findings.

3. Suspects who resist arrest

An overview of findings from:

Hine, K. A., Payne, J. L., & Piquero, A. R. (in press). When suspects resist arrest: prevalence, correlates, and implications for front-line policing. *Police Quarterly*

In this study, my colleagues and I focused on suspects who resisted arrest. The study utilised the Australian Institute of Criminology's Drug Use Monitoring in Australia (DUMA) program to examine predictors of suspects who resisted arrest in terms of whether the suspect had been charged with resisting arrest. The data consisted of 45,567 detainees between 2001 and 2012 at 11 Australian locations including Bankstown, Parramatta, and Kings Cross in New South Wales. Locations outside of New South Wales included Southport and Brisbane in Queensland; Footscray in Victoria; Adelaide and Elizabeth in South Australia; and, Alice Springs and Darwin the Northern Territory. For ethical reasons, the study de-identified these locations.

We found that a small percentage (6.9%) of all the detainees were charged with resisting arrest. Factors relating to offender demographics, crime, temporal/situational, and policing district all contributed to whether suspects were charged with resisting arrest.

Some of the key findings regarding offender demographics included age, marital status, and substance use. For age, the probability of being charged with resist arrest decreased such that the prevalence of resist arrest was lowest among older detainees (those aged 36 years and older). Resist arrest charges were more prevalent for detainees who were single (in terms of not married or not living in a de facto relationship). Resist arrest charges were disproportionately higher for detainees who had consumed illicit drugs in the 48 hours prior to their arrest. Finally, similar to the previous study, we also found that suspects who were charged with resist arrest occurred more often in already volatile situations (violent crime compared to property, drug, etc.).

It is also important to note that the study had many significant findings not just related to the individual but also for crime, situational and temporal factors as well (for example, time of day, day of week, location, etc.). These findings are indicative of the complex and multifaceted nature of police-citizen encounters. It is recommended that members of the committee should refer to the original publication for the complete findings of the study and its context of the findings.

B) Current strategies that the NSW Police Force has in place to engage with the community, including current or past community and school based programs

The findings from the three studies outlined above provide some insights into potential strategies for policing agencies in the prevention and reduction of assaults towards police officers. These findings are discussed below in terms of potential opportunities for policing agencies at an organisational level.

Firstly, the findings from the above studies reveal the benefits and opportunities for the adoption of, and enhancement of, protective clothing. For example, Hine and Carey's (in press) study on fatal assaults, we found that in almost all of the recorded fatal shootings, only one case indicated that the officer was wearing a bullet-proof vest – despite the officers being aware of the potential dangers prior to arriving at the scene. The study draws on prior research to highlight the life-saving benefits of body worn armour and, thus, demonstrates the potential opportunity of enhancing policies and procedures that make body armour not only available to officers but also ensuring their use. However, the study also notes the limitations of body armour such as the negative impact on physical performance. In addition, the Hine et al. (2018) study highlighted the prevalence of officers who sustained injuries as a result of assaults with a particular focus on the physical nature of such encounters. This paper also highlights an opportunity for agencies to explore the possibilities of protective clothing beyond body armour. However, the limitations of body armour and other protective clothing is noted and advancements in this area are required.

Secondly, the value of education and training in preparing officers for such dangerous encounters is emphasised in all three studies. In Hine et al.'s (2018) injuries study, to address the physical nature of these encounters, training that specifically focuses on defence tactics and avoidance strategies (such as tactical withdraw and proximity awareness training) may be beneficial in preventing injuries from occurring. Furthermore, the value of live-action scenario-based training (such as tactile role playing exercises that simulate real-world environments) is also emphasised. Moreover, the study highlights the opportunity and benefits of education programmes that provide awareness and understanding of potentially dangerous situations. However, research is required into the effectiveness of such programs and training.

Furthermore, Hine et al.'s (in press) findings suggest that suspects who resist may be best explained by risk perceptions and loss aversion theory. The study explain that loss aversion theory proposes that if a suspect has something greater to lose by being arrested, then they will likely resist arrest. The findings from this study were discussed in terms of loss aversion theory in that younger detainees may be more willing to take risks, married (or offenders living in a defacto relationship) may fear loss of relationship if arrested, and offenders under the influence of illegal substances are likely to have impaired decision making and fail to accurately assess risk and loss.

Consequently, this study also highlights the importance of educating officers “to be aware and mindful that certain circumstances may produce fear in suspects who perceive arrest to be a greater loss than resisting”. Subsequently, the study states that one way to minimise this perception by suspects is to utilise procedural justice practices. Furthermore, the study suggested that “community orientated policing may serve to build relationships between ‘at risk’ communities and police before incidences occur as findings show that engaging with community often leads to higher levels of confidence and trust towards police”. While there is an abundance of research on community oriented policing and procedural justice practices from the US that indicate promising results, these policing strategies are not without their limitations. More research is needed about the effectiveness of these approaches in an Australian context.

C) Any other related matters

The dangers of policing are well reported within the occupational safety literature with policing being recorded as one of the most dangerous occupations. Assaults against police can result in not only physical injuries, but can also have psychological, financial, and societal impacts. Furthermore, the consequences of assaults against police can be far reaching including family and friends, fellow officers, and society. The current body of knowledge about assaults against police is under researched – particularly in the Australian context. The findings outlined above highlight some opportunities for NSW Police in reducing or preventing assaults on police. Specifically, research is needed to identify specific patterns and trends relevant to the NSW Police Force about assaults on police. The opportunity exists for enhancements in protective clothing and research to examine its effectiveness. In addition, an opportunity exists to review training and education programs to identify areas of enhancements related to assaults on officers. Finally, previous research indicates promising results for community-orientated policing and procedural justice practices, however, research is needed on its effectiveness – particularly in an Australian context. Overall, there is much needed research required in this area to identify patterns and trends of assaults against police in order to identify best practices for policing authorities in order to prevent such fatal and far reaching impacts and consequences.

I trust these comments are of assistance and I am happy to expand on anything in this submission as required.

Yours sincerely



Dr Kelly Hine
Lecturer

ANU Centre for Social Research and Methods (CSRM)
The Australian National University
Room 3.27 Research School of Social Sciences
Ellery Crescent
Acton, ACT, 2601