

**Submission
No 7**

ASSAULTS ON MEMBERS OF THE NSW POLICE FORCE

Organisation: The Law Society of NSW

Date Received: 28 August 2020



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: CLC:RHrg1964220

28 August 2020

Ms Wendy Tuckerman MP
Chair
Legislative Assembly Committee on Law and Safety
Parliament House
Macquarie Street
Sydney NSW 200

Dear Ms Tuckerman,

Inquiry into assaults on members of the NSW Police Force

The Law Society welcomes the opportunity to make a submission to the Inquiry into assaults on members of the NSW Police Force.

We note that the Legislative Assembly Committee on Law and Safety will inquire into and report on assaults on members of the NSW Police Force, with particular reference to:

- a) the current incidence of assaults against police officers and recent trends in such assaults;
- 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; and
- c) any other related matters.

In our view, the focus of the Inquiry should be on community, preventative and educative initiatives as the best means to reduce the incidence of assaults.

We are aware that the NSW Sentencing Council is conducting a review into sentencing for offences involving assaults on emergency workers and we will be making a detailed submission to that review.

We note that defendants already appear to receive harsher sentences when assaults are against police officers,¹ and there is therefore no need to increase penalties.

The Law Society considers that increasing a maximum penalty does not have a significant deterrent effect in relation to offences that are not pre-meditated or where offenders suffer from a mental condition.

It is important that the Inquiry bear in mind that police are often encountering vulnerable people including young people, Indigenous people and people with a cognitive impairment, at a vulnerable point in their lives. A nuanced approach is warranted, in order to differentiate

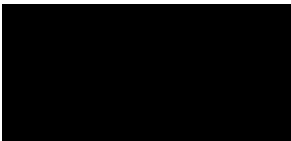
¹ NSW Sentencing Council, *Assaults on emergency service workers - data*, 28 July 2020. The percentage of offenders sentenced to imprisonment in the Local Court: assault a police officer – 14%, compared to common assault - 8%; assault a police officer occasioning actual bodily harm -38%, compared to assault occasioning actual bodily harm 20%.

between assaults that are brazen attacks on police officers, compared to incidents of vulnerable people reacting to stressful situations. In our view, the existing maximum penalties for the various offences provide sufficient discretion for the courts to adequately punish even the most serious of attacks.

If the Committee so desires, the Law Society would be happy to provide a representative to give evidence at the Inquiry.

The Law Society contact for this matter is Rachel Geare, Senior Policy Lawyer, who can be reached on [REDACTED] or at [REDACTED].

Yours sincerely,

A large black rectangular redaction box covering the signature of Richard Harvey.

Richard Harvey
President