

**Submission
No 13**

ASSAULTS ON MEMBERS OF THE NSW POLICE FORCE

Organisation: Police Association of NSW

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Police Association of NSW



Submission to the
Legislative Assembly Committee on
Law and Safety

Inquiry: Assaults on members of the
NSW Police Force

Introduction

The Police Association of New South Wales (PANSW) welcomes this inquiry into assaults on members of the New South Wales Police Force (NSWPF). This issue continues to be a problem for our members, causing pain, injury, trauma and frustration.

Over the past ten years there has been an average of 2436 assaults of police each year (NSW Bureau of Crime Statistics and Research 2020b).

The NSW Bureau of Crime Statistics and Research (2020b) has consistently measured this trend as 'stable'. We acknowledge that a stable trend of assaults on police means that, in the context of a growing population and increase in police numbers, a stable *number* of assaults reflects a decreasing *rate* (eg per 100,000 population or per 1000 police officers).

However, this does not mean the current trend is acceptable, as it still means there are thousands of police officers who suffer assaults each year. It is easy to get lost in the numbers of police assault trends. Whether they are up, down, or stable, every assault on police is one in which that officer might suffer physical and psychological harm. They might have injuries that take time to heal, require treatment and time off work. They might suffer psychological wounds that last a life time; trauma from violent incidents, fear that the job they love and do every day is not safe, and hypervigilance they cannot turn off when their shift ends.

'Stable' should not mean acceptable. Assaults on police are not just about statistics.

Every assault on a police officer is an assault on a real person.

We owe it to the police officers of this state, who do so much to protect us, to try to reduce this number of assaults. We should strive to prevent every single assault we possibly can.

Case study 1:

A group of intoxicated bucks party attendees are denied entry to a pub, and the police are called. A large group attack the attending police.

One officer is held to the ground and choked until he almost loses consciousness. A security guard tries to help, he too is attacked and hospitalised with a broken jaw.

Case study 2:

Police attend the residence of a man attempting to self-harm. After initial conversations, the man suddenly attacks a female constable considerably smaller than the man, forcing her to the ground. He then bites and scratches her face, and pulls out clumps of her hair.

The constable is admitted to hospital with scratches to her face, bite marks to her head, and chunks of hair missing.

Case study 3:

A suspect is arrested and in custody at a police station awaiting his court appearance the following day. While there, a female Sergeant offers the suspect a cup of tea.

The suspect grabs the officer's hair and uses this to strike her head with his knee so hard she hears a crunching sound and sees blood dripping onto the floor. The suspect then attempts to flee, requiring multiple officers to restrain him.

The Sergeant suffers lacerations, requiring stitches and plastic surgery, with some permanent damage.

Injury burden on officers, and cost to NSWPF

We should also view assaults on police in the broader context of increased police injury rates, rising workers compensation costs, physical fitness for police, and workplace health and safety.

Police who suffer assaults experience pain, may have to go through medical treatment and time off work, and it can also result in fears for their safety and trauma-related psychological injuries.

Assaults on police frequently result in the officers being injured. We are concerned that, although the number of assaults on police is stable, the injury toll is significant.

In the period 2015-19, we have been advised by the NSWPF the number of charges for assault police officer causing actual bodily harm has risen by 42%.

We are also advised that during the period 2015-2019, assaults on police officers:

- were the leading cause of Workplace Health and Safety incidents, making up 15% of all incident notification reports from police officers (around 1400 per year);
- made up 13% of all police officer workers compensation claims, costing the NSW Police Force \$36 million in workers compensation claims; and
- resulted in 510,000 hours in time lost for officers having to be off work (3% of all time lost).

This demonstrates assaults on police officers as causing a significant harm, time off work, and costs to the NSWPF.

There is a pressing need to develop strategies that reduce assaults on police, reduce the harm caused by assaults, and thereby mitigate time off work and costs to the NSWPF.

General trends for assaults on police

Overall, there are trends regarding the contexts in which assaults on police are more likely to occur, which have remained prominent over time. These include the premises types where most assaults occur, time of year, week and day when assaults peak, and local areas where most assaults occur.

Having said this, while the most represented contexts in which officers are assaulted remain the most prominent, the degree to which they stand out has flattened. This includes a reduction in the percentage of weekend, night time and alcohol related assaults on police over time (NSW Bureau of Crime Statistics and Research 2020a). The PANSW believes this may, to some extent, be attributed to strategies to reduce alcohol related violence generally, including the lock out laws.

While that context of assault police has reduced, it has not resulted in a significant reduction in total assaults, and has instead been replaced by assaults on police in other circumstances that are worthy of investigation by this Committee.

The issue of police being assaulted requires a multi-faceted response. Assaults on police occur in a variety of contexts, and therefore multiple strategies are required for effective intervention. Many factors are discussed in the academic literature that may contribute to higher levels of assaults against police (see Barrick et al. 2018; Hine et al. 2018; Willits 2014). Some of these factors include structural issues such as socio-economic conditions, geographic location, time of day/week, officer demographics, offender demographics including drug and alcohol use and situational context. In many cases, while useful information is provided in this literature, there is also conflicting information, meaning that solutions are not always clear.

Having said this, there appears to be some consistencies in the data, as well as factors to guide solutions to decrease assaults on officers and minimise injury.

Yearly trends of assaults on police

In the 2019 calendar year there were 2483 assault police incidents (NSW Bureau of Crime Statistics and Research 2020a). Over the last ten years, the average number of assault police incidents per year is 2436.

Average number of assault police incidents per year, 2010-2019

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Assault police incidents	2373	2495	2234	2654	2518	2472	2325	2335	2476	2483

Source: NSW Bureau of Crime Statistics and Research 2020a

This trend has been categorised as ‘stable’ for the past seven annual Recorded Crime Statistics Reports, except one year that had an increase. Ten out of the past twelve reports have categorised the trend as stable or as having had an increase (NSW Bureau of Crime Statistics and Research 2020b), with the long term trend being a very minor decrease (NSW Bureau of Crime Statistics and Research 2020a).

As previously stated, we acknowledge that in the context of a growing population and increase in police numbers, a stable *number* of assaults reflects a decreasing *rate*.

However, the fact remains that almost 2500 police officers are being assaulted every year, meaning that these officers are being harmed, potentially traumatised, and taken from their duties to deal with the effects of these assaults. Further, that this results in a high monetary cost in the form of workers compensation. As such, it is important that strategies are found to further reduce the numbers of assaults on police. A stable rate of 2500 police being assaulted every year is not an acceptable outcome.

We recommend the Committee view these trends against the overall seriousness of injuries sustained.

Geographical location, prevalence of violence and potential links to inequality

Geographical locations in which there are high numbers of assaults on police, or high rates of assaults on police, match locations where there is a prevalence of violence generally. Of the top ten Local Government Areas by number of assault police incidents over the past five years, seven are in the top ten for domestic violence, and seven are in the top ten for non-domestic assault (see table below).

Top ten Local Government Areas by number of police incidents

LGA	Rank - highest incidents past 5 years			Rate of assault police per 100,000 (NSW = 31.2)
	Assault Police	Domestic Violence	Non-Domestic Assaults	
<u>Sydney</u>	1	5	1	140.3
<u>Blacktown</u>	2	1	2	38.7
<u>Central Coast</u>	3	2	3	30.7
<u>Penrith</u>	4	4	6	49.2
<u>Campbelltown</u>	5	8	11	57.1
<u>Wollongong</u>	6	12	8	40.3
<u>Parramatta</u>	7	11	7	24.3
<u>Liverpool</u>	8	6	10	34.5
<u>Canterbury-Bankstown</u>	9	3	5	14.7
<u>Randwick</u>	10	25	17	44.1

Source: NSW Bureau of Crime Statistics and Research 2020a.

Socio-economic disadvantage and inequality

Statistical agencies and academic literature are increasingly confirming a relationship between socio-economic inequality or disadvantage, and higher rates of violent crime.

The Australian Bureau of Statistics (2013, p. 24) has stated:

Low socio-economic status is a recurring factor in the incidence and prevalence of crime generally and the extent of violence in the community. It can also be a determining factor in the perpetration of family, domestic and sexual violence.

A study cowritten by then Director of the NSW Bureau of Crime Statistics and Research, Don Weatherburn, confirmed the correlation between socio-economic disadvantage, and the prevalence of both violent and property crime, stating: 'the available evidence strongly suggests economic adversity increases the level of involvement in crime. It would be imprudent for any policy maker to ignore this' (Weatherburn & Schnepel 2015, p. 99). This link seems to be applicable in relation to assaults on police as well (Gibbs et al. 2018).

Socio-economic disadvantage is typically measured by the Socio-Economic Indexes for Areas (SEIFA). The Australian Bureau of Statistics website (2018, para. 15) indicates that the organisation 'broadly defines relative socio-economic advantage and disadvantage in terms of people's access to material and social resources, and their ability to participate in society'.

As such, interventions to improve disadvantaged communities' access to material and social resources, their ability to participate in society, and reduce inequality, will benefit those communities, and also serve as a potentially successful strategy to reduce the level of crime, including violence against police.

Premises type

The NSW Bureau of Crime Statistics and Research (2020a) data indicates that the top two premises types where police are assaulted are 'Road/Street/Footpath' and 'Residential'. The next two premises types are 'Law Enforcement' premises and 'Licensed Premises'. This has been consistent over the last ten years.

Incidents of Assault Police in New South Wales, April 2019 to March 2020 by Premises

Premises type	Overall number	Percentage
Road/Street/Footpath	791	32%
Residential	751	30%
Law Enforcement	269	11%
Licenced Premises	200	8%
Public Transport - Railway Premises	120	4.80%
Hospital	105	4.20%
Retail/Wholesale	100	4.00%
Recreation	8	0.30%
Park/Bushland/Garden	71	2.80%
Other/Outdoor Public Place	16	0.60%
Other Health Premises	6	0.20%
Other	23	0.90%
Carpark	21	0.80%
School	9	0.40%
Total	2490	100%

Source: NSW Bureau of Crime Statistics and Research 2020a.

Assaults on 'Roads/Streets/Footpaths'

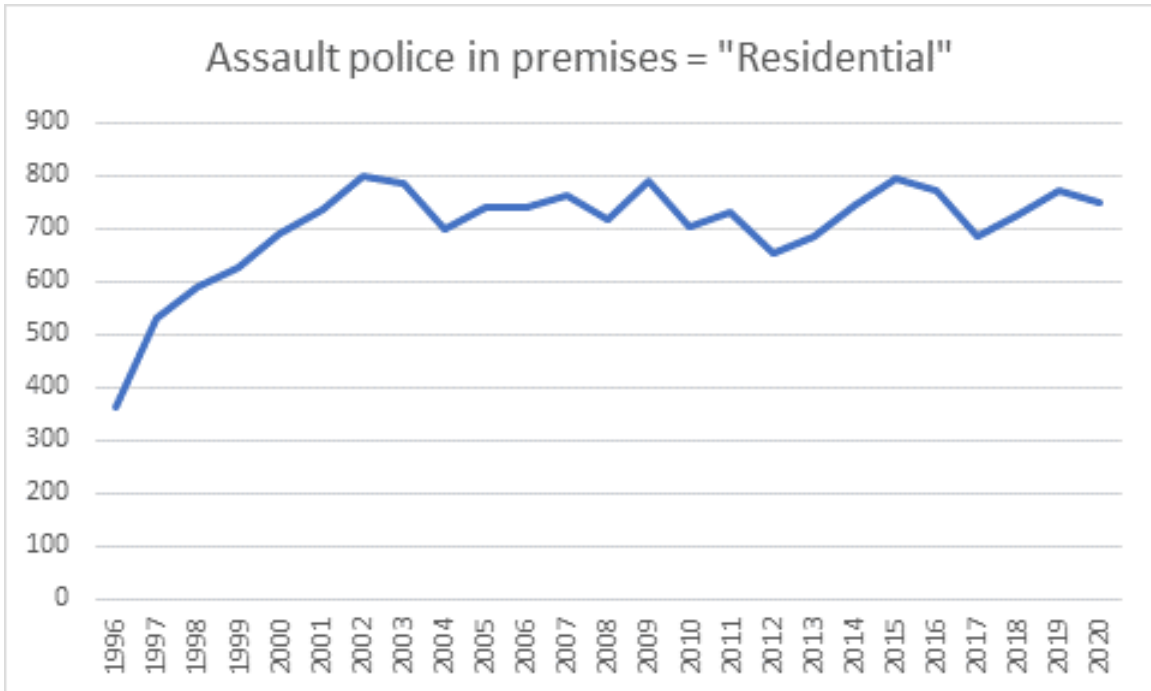
The most common premises type for assault on police is 'Road/Street/Footpath'. This shows that a large number of assaults on police occur in this premises type, likely during activities such as:

- detecting and responding to street offences;
- alcohol related and/or night time entertainment precinct related violence, which predominately occur in the streets surrounding licensed premises, rather than in the licensed premises themselves; or
- using police powers.

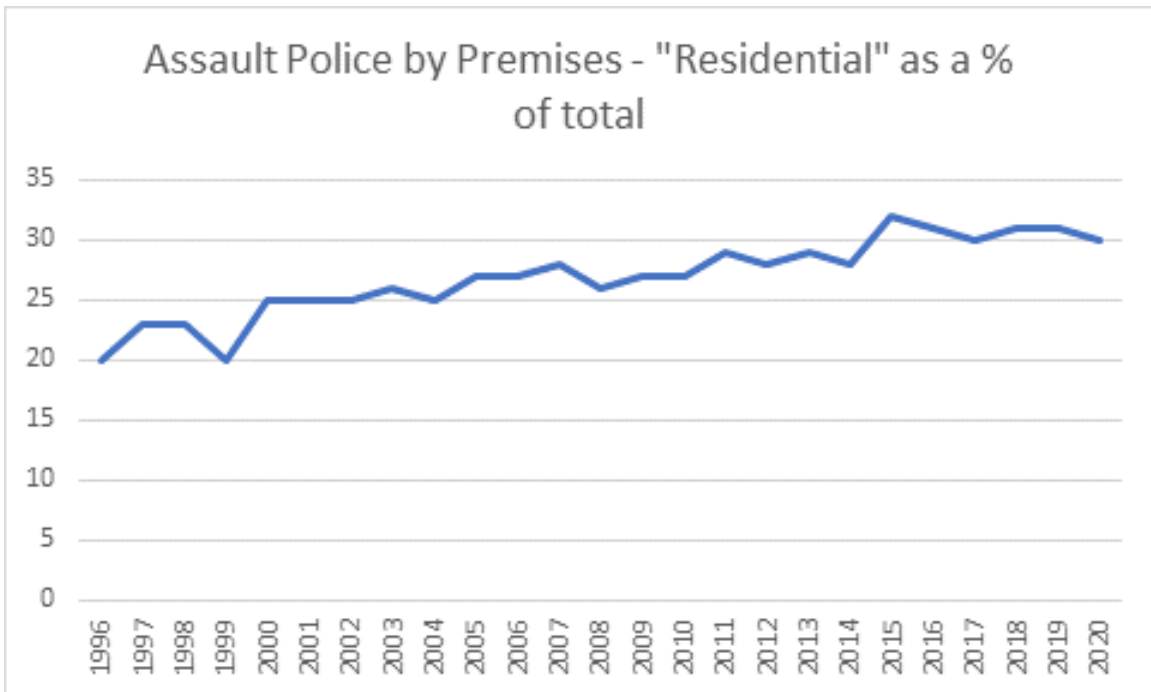
These policing activities are crucial for public safety, and as such police will inherently be required to participate in these activities regularly. Therefore, reducing assaults on police in these contexts (such as alcohol related violence and street offences) must be a primary target for intervention. This should include strategies to make such incidents safer for police involved; and interventions to reduce such incidents occurring in the first place.

Domestic violence

While the top represented premises types have remained the same over many years, one trend of note is the increase in assaults on police on residential premises, mainly occurring in the 1990s and early 2000s.



Source: NSW Bureau of Crime Statistics and Research 2020a.



Source: NSW Bureau of Crime Statistics and Research 2020a.

We believe this increase correlates with increased police intervention targeting domestic violence. Responding to domestic violence is a core component of NSWPF efforts to keep the people of NSW safe, and is a large component of its workload. It is essential that every available strategy to protect the safety of officers responding to these incidents is explored.

Assessments of risk levels in responding to domestic violence can be viewed in different ways. Domestic violence incidents can be viewed as volatile, unpredictable incident types, therefore carrying a high degree of danger. Other measures find that, while the volume of assaults on police that occur in domestic violence contexts is high, this is only because of the high volume of domestic violence incidents overall. This means the actual number of assaults per officers attending/time spent responding to domestic violence incidents is lower than for other contexts (eg street offences).

Regardless of the risk level, there is still a large *volume* of assaults on police officers occurring in residential premises, in a domestic violence context. So when assessing potential interventions to reduce assaults on police, any intervention that either reduces domestic violence, and therefore the number of incidents police have to respond to, or makes responding to domestic violence incidents a safer activity for police officers, will address a context in which a large number of assaults on police occur. This will result in a large reduction in assaults on police officers.

Therefore, domestic violence as a context in which police are assaulted, seems a potential target for intervention.

Assaults on police in situations of higher alcohol consumption and peak times

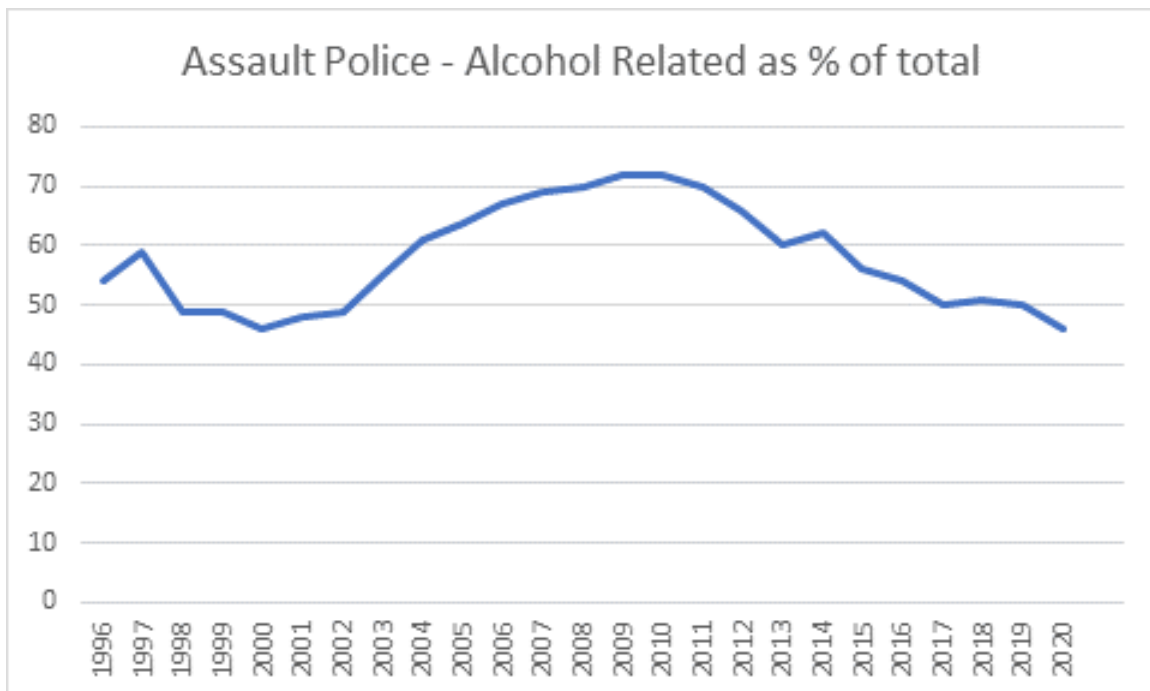
Please note: in relation to the assault police trends in the following sections, we use data relating to a time period that concluded prior to COVID restrictions, and trends

we identify began years before COVID, so these trends are not a product of new patterns of behavior caused by the COVID or the restrictions to prevent its spread.

Alcohol related assaults on police

Alcohol has historically been a significant factor in assaults against police, and this continues to be the case. At its high point (2008-2011), over 70% of assaults on police were recorded as alcohol related (NSW Bureau of Crime Statistics and Research 2020a).

That percentage is now down around the low 50s/high 40s of total assaults on police (NSW Bureau of Crime Statistics and Research 2020a). The PANSW believes this may, to some extent, be attributed to strategies to reduce alcohol related violence generally, implemented across this period of time, including (but not only) the lock out laws.

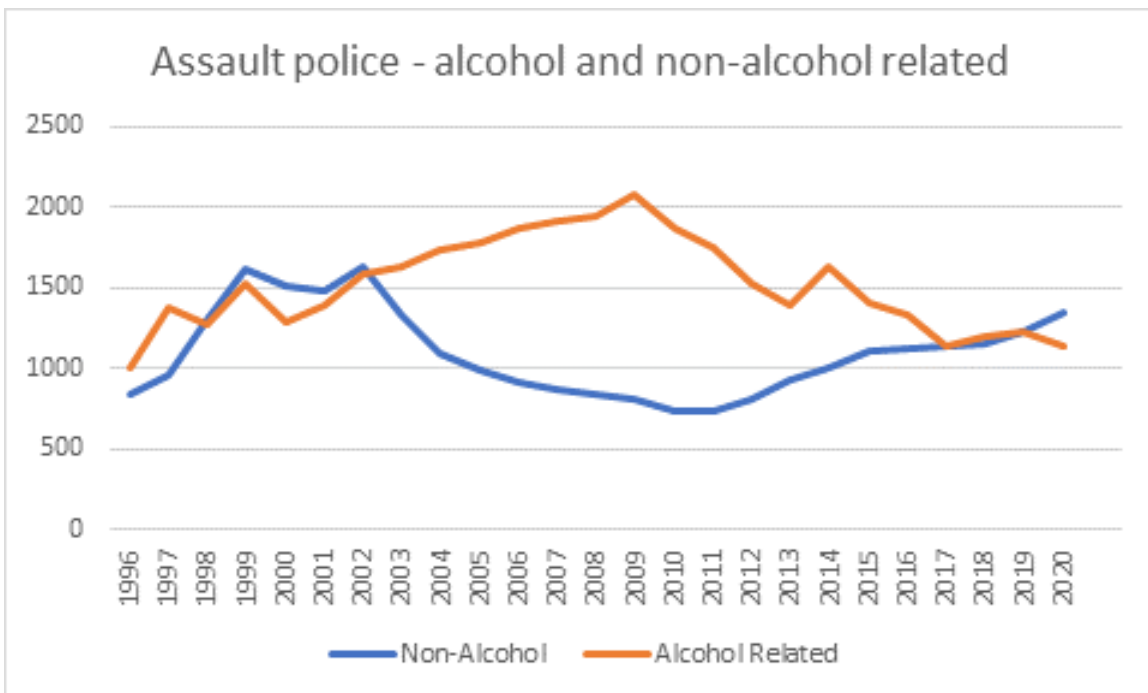


Source: NSW Bureau of Crime Statistics and Research 2020a.

Despite the weakening in dominance of alcohol as a factor in police assaults, total numbers of assaults on police remains stable (NSW Bureau of Crime Statistics and Research 2020a).

This should provide two insights to this Committee. Firstly, strategies to reduce alcohol related violence, including violence against police, have worked and should be continued. Secondly, that interventions aimed to reduce broader violent behavior can be successful at reducing assaults on police. This is encouraging for the potential success of future interventions.

However, during the same period of successfully reducing alcohol related violence against police, non-alcohol related violence against police has been increasing. This indicates that new targets for interventions to reduce assaults on police are needed.



Source: NSW Bureau of Crime Statistics and Research 2020a.

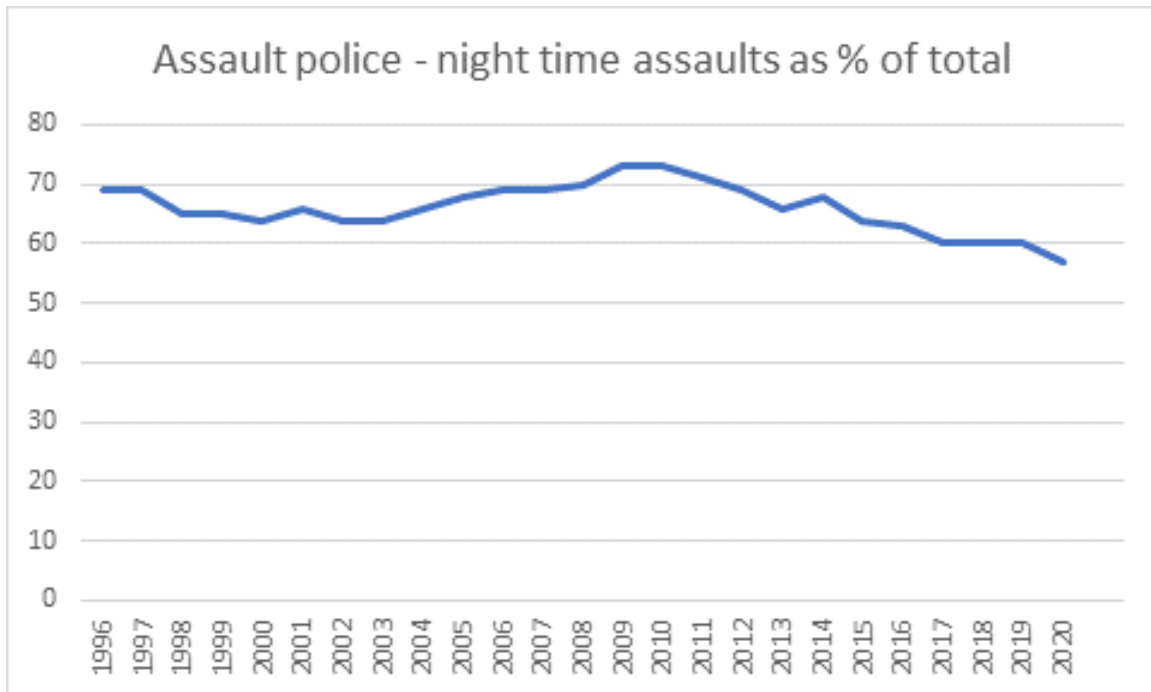
Incidents of Assault Police by day/time

Assaults of police disproportionately occur on Fridays, Saturdays and Sundays; and during night time hours (NSW Bureau of Crime Statistics and Research 2020a).

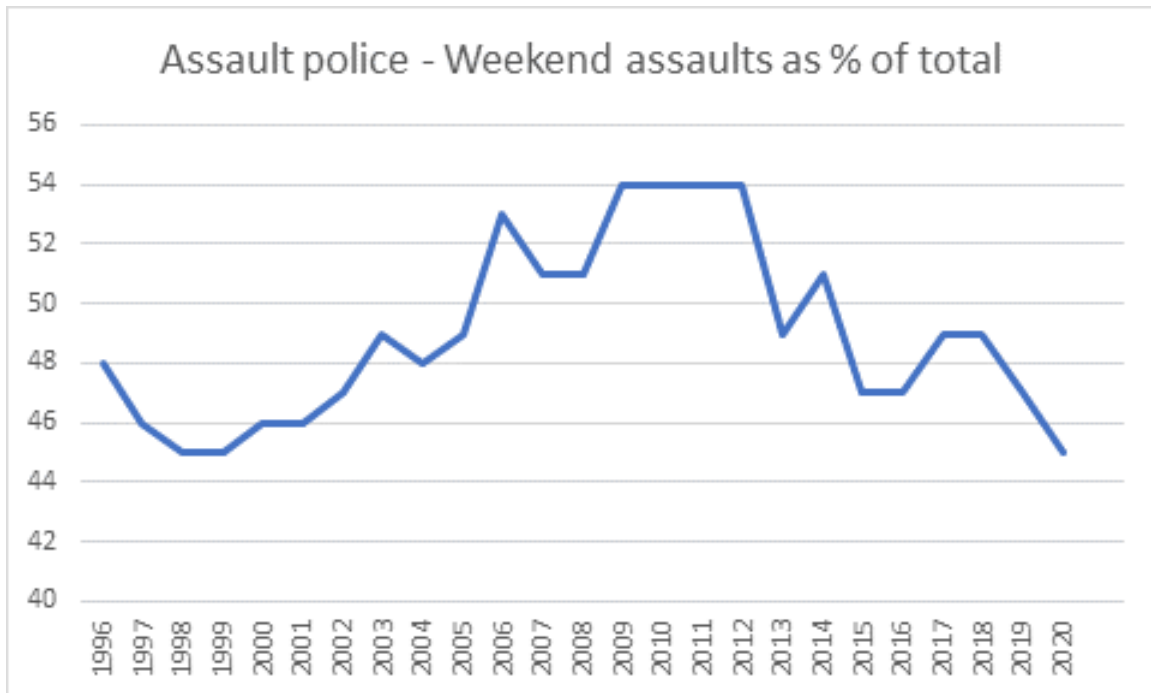
This is largely related to times at which larger volumes of alcohol are consumed, and times at which larger crowds of people are interacting in public places, creating a context in which police may be required to respond to incident types in which assaults on police are common.

Following a similar pattern to alcohol related assaults, while this disproportionate occurrence of assault police on weekends and at night time is still true, the degree to which that time of week and day is over-represented has reduced.

Since 2010, night time assaults have been falling, dropping from 73% of all police assaults, now down to 57% (NSW Bureau of Crime Statistics and Research 2020a).



Source: NSW Bureau of Crime Statistics and Research 2020a.



Source: NSW Bureau of Crime Statistics and Research 2020a.

Weekend assaults peaked in 2008-2012, representing as high as 54% of total assaults on police. Current data indicates that 45% of assaults on police now occur on weekends, with 55% occurring on weekdays (NSW Bureau of Crime Statistics and Research 2020a). While this is disproportionate given there are only two days on a weekend, rates of weekend assaults on police have still decreased in the last ten years.

Overall, this means that levels of weekend and night time assaults on police have decreased over the last ten years. This is perhaps in keeping with the trend that the proportion of alcohol related assaults on police have been slowly declining (although not total numbers of assaults).

Assault police by time of year

Month	Average 1995-2020	1995-1999	2015-2019
January	268	248	260
February	213	201	182
March	234	217	223
April	214	196	209
May	202	186	183
June	189	178	176
July	195	190	172
August	200	193	175
September	208	199	192
October	217	207	203
November	215	227	198
December	254	263	245

Source: NSW Bureau of Crime Statistics and Research 2020a.

Assaults on police predominately occur in the warmer months and holiday months. This is because these times typically involve larger groups of people attending public places, often involving higher consumption of alcohol, increasing the risk factors for violence generally, and towards police.

This trend has remained true for many years, although as with time of week, time of day, and alcohol related assaults, there has been some flattening of that disproportionate representation in those months.

An unknown replacing the reduction in alcohol related assaults

As identified above, alcohol related assaults on police, and assaults occurring in peak entertainment times, are still prominent risk factors.

While alcohol remains a leading context for assault police, the extent to which it does so has been reducing. This reduction has been occurring over a sustained period of time (and therefore precedes the routine activity changes caused by COVID).

Despite this, the total number of assaults on police has remained stable through much of this period, meaning the reduction in alcohol related assaults is being replaced by a new context in which police are assaulted.

We believe there is value in this Committee examining what those contexts are.

Repeat offenders

Many of the individuals who are convicted and sentenced for assault police offences will have offending history prior to assaulting that officer, and also subsequently commit further offences.

Our analysis of data provided by the New South Wales Bureau of Crime Statistics and Research for convictions and sentences for assault police offences between 1 January 2018 and 30 June 2019 indicated that for various assault police offences, between 60-67% of offenders had prior proven court appearances in the previous five years, 18% had five or more prior proven court appearances, and 20-27% commit another offence within twelve months after assaulting a police officer. (Please note: prior/subsequent offences are for any proven court appearance, not limited to other assault police offences – we are advised this could not be filtered).

Given there is a large proportion of offenders who assault police who have previously had interactions with the criminal justice system, there may be scope to use that interaction to better reduce recidivism.

We also understand there is a small group of offenders who commit multiple assaults on police officers, however the majority of people who assault police officers do so only once in a five year period.

We believe potential interventions could be introduced across a spectrum of:

- a small number of offenders who repeatedly assault police, enabling targeted intervention;
- a large number of offenders who only assault police on one occasion, necessitating broader application interventions (eg larger community engagement strategies); and
- a large number of offenders who commit other offences in the years prior to assaulting police.

Officers suffer from the injustice of assault police outcomes

When police officers are assaulted, it causes them a great deal of harm, fear and frustration. They often feel very strongly about the fact they have been assaulted whilst performing their duties to protect the people of NSW.

This is particularly the case if they have suffered injury, or have ongoing problems with time of work, recovery or psychological harm such as trauma and fear.

This hardship is exacerbated when the incident that has caused them so much harm leads to insignificant consequences for the perpetrator who assaulted them. The assaulted officer, their colleagues and their friends and family, suffer from these injustices.

The large number of offenders who receive a non-custodial sentence or very short custodial sentence, for offences that cause police officers significant harm, is of serious concern to the policing family.

Police officers view these outcomes as completely inadequate.

The table over page outlines the sentencing outcomes for certain assault police offences for the 18 months from January 2018 – June 2019.

Sentencing outcomes for assault police offences January 2018-2019

Offence	Number of finalised charges	Guilty	Sentences in which Assault police was principal offence	Custodial sentences	Average non-parole period	Non-parole period range Lowest/Highest
Resist/hinder police officer	2652	2163	806	42 (5%)	3 months	0-1 month/ 8-9 months
Assault police officer	1285	945	467	70 (15%)	6 months	0-1 month/ 1-2 years
Assault police causing actual bodily harm	396	281	204	69 (34%)	7 months	1-2 months/ 2-3 years
Wound with intent to resist arrest	6	4	3	3 (100%)	32 months	All in 2-3 year range
Cause GBH to police officer	7	3	3	0 (0%)	0 months	All 0 months
Use offensive weapon to prevent police investigation	30	13	5	4 (80%)	10 months	5-6 month/ 1-2 years
Harass police officer	63	48	28	5 (18%)	4 months	0-1 month/ 7-8 months
Intimidate police officer	1147	928	303	71 (23%)	5 months	0-1 month/ 1-2 years
Throw missile at police officer	32	24	10	1 (10%)	3 months	3 months

Source: NSW Bureau of Crime Statistics and Research 2019

Preparedness and use of force

Hine et. al (2018) found that officers were more likely to be injured when engaging in incident responses in which they enter the situation with little information about the risk they faced. They were therefore unaware of the risk of violence from the suspect, and were required to use force in a situation where the suspect used a higher degree of relative force on the officer.

The study also found that situations for which police received specialised training (for example mental health intervention) resulted in a lesser risk profile, due to the officers' preparedness for the specific situation.

Hine et. al (2018) also identified that in situations where suspects were noticeably prepared and willing to use high degrees of force (for example clearly acting aggressively, or possessing a weapon) officers usually chose options of lesser force, because if the situation escalated into physical violence, this would expose them to risk of serious harm, so they instead managed the situation through de-escalation techniques.

This indicates the following strategies are potentially successful in reducing officer injuries as a result of assaults:

- improvement of the information available about a situation prior to an officer's intervention;
- participation in training exercises that prepare officers for these particular circumstances;
- enhancing the ability to identify risk of physical assault in a variety of circumstances; and
- having all available options to select the safest method of resolution, including de-escalation techniques where possible.

New South Wales police officers possess an extremely high level of skill in these regards. It may be useful for the Committee to examine whether there are any strategies to further prepare and equip NSW police officers for these situations.

It is also worth noting that evaluations of relatively new equipment, for example body worn video (BWV) and tasers, has been encouraging as such interventions can protect police officers and reduce assaults and injuries. The NSW Ombudsman

(2012) found there was at least a correlation between the implementation of tasers and reductions in assaults on police and related injuries.

The impacts of the introduction of body worn video are not yet fully known, but evaluations conducted by Charles Sturt University have noted indicative trends of de-escalation of the levels of aggression and assault by members of the public on police officers (NSW Government Communities & Justice 2020).

Despite this, evaluations of this outcome need to continue to be conducted to ensure the use of BWV (eg related procedures and polices) remains appropriate for all of its intended objectives. Globally, evaluations of BWV initially found highly encouraging trends of reduction in aggressive incidents that carried risk for assaults on police (Ariel et al 2015; Jennings et al. 2015). However, recently, evaluations have become more mixed, with some finding that the introduction of BWV can lead to increases in assaults on police and related injuries (Ariel et al. 2016). One theory explaining this relates to the 'relative use of force' referred to by Hine et al. (2018) (see above), meaning the presence of the camera device may cause officers to select a response to a violent member of the public that exposes the officer to increased risk of harm (Ariel et al. 2016).

Community policing

As shown by the NSWPF Community Engagement Policy Statement (n.d.), and the NSWPF Framework for Community Engagement (2018) the NSWPF is committed to community involvement to enhance trust in and legitimacy of the police.

Organisational approaches have demonstrated that community engagement can reduce assaults on police (Gibbs et al. 2018). We understand this Committee will be examining current strategies that the NSWPF has in place to engage with the community. We welcome any findings that will further enhance the safety of police and positive engagement with the community.

Conclusion

Violence against police officers is a significant burden on police, one that causes them physical and psychological trauma.

Assaults on police occur in a variety of contexts while police go about their duties protecting the people of NSW. Therefore, it will require multiple intervention points to reduce the number of assaults on police.

We thank this Committee for its work to identify strategies to achieve that, and are willing to assist in any way we can.

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