

**Submission
No 23**

ASSAULTS ON MEMBERS OF THE NSW POLICE FORCE

Organisation: Women's Legal Service NSW

Date Received: 16 September 2020

16 September 2020

Mrs Wendy Tuckerman
Chair
Legislative Assembly Committee on Law and Safety
Parliament House, Macquarie Street
Sydney NSW 2000

By email: lawsafety@parliament.nsw.gov.au

Dear Mrs Tuckerman

Assaults on members of the NSW Police Force

1. Women's Legal Service NSW (**WLS NSW**) thanks the Legislative Assembly Committee on Law and Safety for the opportunity to comment on the Assaults on members of the NSW Police Force Inquiry.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide specialist legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims support, care and protection, human rights and access to justice.
3. Since 1995 WLS NSW has provided a statewide First Nations Women's Legal Program (**FNWLP**). This program delivers a culturally safe legal service to First Nations women, including regular engagement with communities across NSW. We provide a First Nations legal advice line, casework services including a specialised family law service to assist First Nations women access the family law courts, participate in law reform and policy work, and provide community legal education programs and conferences that are topical and relevant for First Nations women.
4. An Aboriginal Women's Consultation Network guides the FNWLP. It meets quarterly to ensure that we deliver a culturally safe service. The members include regional community representatives and the FNWLP staff. There is a representative from the Aboriginal Women's Consultation Network on the WLS NSW Board.
5. For more than a decade WLS NSW has also provided culturally safe, specialised, family and civil law advice, casework and education services to hundreds of criminalised women across NSW, including women defending Apprehended Violence Orders, women in custody, women under supervision in the community and to women post release from custody.



Women's Legal Service NSW
PO BOX 206 Lidcombe NSW 1825
Admin (02) 8745 6900
Fax (02) 9749 4433

www.wlsnsw.org.au
Women's Legal Resources Ltd.
ACN 002 387 699
ABN 88 002 387 699



6. We work in partnership with Wirringa Baiya Aboriginal Women's Legal Centre and the Western Sydney Community Legal Centre to provide the Legal Education and Advice in Prison (**LEAP**) for women, which is a family and civil law program in the four Sydney women's correctional centres. WLS NSW is also available as a free phone call for legal advice in other correctional centres around the state. LEAP prioritises access for First Nations women. This work is unfunded and provided from core WLS NSW (and the partner community legal centre) resources and is always under threat.¹ The majority of referrals are made by Corrective Service NSW staff. Additionally, we provide civil and family law advice to women in other Correctional Centres across the state through the Common Auto Dial List (**CADL**).
7. Our submission primarily responds to Terms of Reference (c) any related matter.
8. In summary we recommend;
 - 8.1 Further additional work be undertaken by police in engaging with community
 - 8.2 Police have more training opportunities and support focused on de-escalating violent situations
 - 8.3 A multi-disciplinary first responder response

Context of this inquiry

9. We do not condone violence, including violence directed at police.
10. We are concerned by the timing of this inquiry given the failure of the Government to respond to and prevent injury and deaths of First Nations people in custody in NSW and the over representation of First Nations people, including women in custody.
11. We refer to our submission to the Inquiry into the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody (**First Nations People in Custody Inquiry**). This submission reflects with sadness and anger upon "*the heart of criminalisation and injustice for First Nations women. Raped, flogged, addicted, homeless and locked up*".
12. We are also concerned by structural racism, including racism in policing as outlined in our First Nations People in Custody Inquiry submission.

Data requirements

13. It would be helpful for data to be published regarding the circumstances in which resist arrest, offensive language and/or assault of a police officer are charged, including a gender and age breakdown and the number of First Nations people charged and prosecuted compared to the total number of people charged and prosecuted. The assault of a police officer offence should include a break down for charges of a range of assaults including assault, assault occasioning actual bodily harm, grievous bodily harm.

¹ The Law Council of Australia recognised the service gap in funding for specific legal services targeted to women in prison, particularly for civil and family law matters in its consultation paper on prisoners and detainees, as part of the Justice Project: Law Council of Australia, *The Justice Project: Prisoners and Detainees Consultation Paper*, August 2017, 3, 37-40: <https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Consultation%20Papers/Prisoners%20and%20Detainees.pdf> accessed 15 September 2020.

Community engagement

14. As first responders, police play an important role in keeping people safe. It is also important that police recognise that their position of authority comes with responsibility, including recognising the power they yield and power imbalances.
15. Effective policing requires police officers to actively engage and connect with their local communities and understand the concerns of local communities. Police building a relationship of trust and accountability is particularly important for communities who may have a distrust of police and other authority figures because of past Government laws, policies and practices, such as the forced removal of First Nations children from their families. People may also have experienced trauma as a result of interacting with people in authority in other countries and so fear authority.
16. Police should engage in an open and ongoing forum with communities where people can safely raise any concerns and provide input on police initiatives. We understand there are Police Aboriginal Consultative Committees across NSW. It is important this engagement occurs across each local area command and is well supported and promoted. It is important there are sufficient Aboriginal Community Liaison Officers (**ACLOs**) and that they are adequately supported in their work. Noting the differing needs of First Nations women, men and gender diverse, intersex and trans people it is important that female, male, gender diverse, intersex and trans First Nations people are appointed as ACLOs and that there be multiple ACLOs at each police station. Further, the ACLO can support police to build positive relationships between police and First Nations communities, however this responsibility must be shared across the police force. The same is applicable to Multicultural Liaison Officers, LGBTIQ Liaison Officers and Domestic Violence Liaison Officers.

Training, support and a multidisciplinary team response

17. It would be helpful to know more about the ongoing training opportunities and supports for police in de-escalating potentially violent situations. What training opportunities exist? How many police are able to access such training? How frequently is the training offered? Is this training ongoing rather than one off? Does the training include trauma informed practice? It is important the Government invests in adequate training and support for police.
18. We commend the initiative of having specialist mental health workers based in 10 police area commands and districts in Sydney to support police responding to people in mental health crisis.² The NSW Deputy Commissioner Malcolm Lanyon commented this initiative has resulted in *"a better outcome for both our officers and the individuals in need of assistance"*.³
19. We recommend exploring other multidisciplinary response teams with a police officer as well as a social worker with domestic and family violence expertise, for example, the combination of which could help to de-escalate potentially violent situations.
20. We are concerned that a possible solution proposed to address assault of police officers in NSW may be to increase sentences for assaults on police which we believe does not address the underlying issues.

² Alexandra Smith, 'Mental health nurses to be based at police stations', *SMH*, 10 June 2020 accessed at: <https://www.smh.com.au/politics/nsw/mental-health-nurses-to-be-based-at-police-stations-20200609-p550yf.html>

³ Ibid

21. We believe a more effective response would be to look at increasing opportunities for police to engage with their local communities and access ongoing training and support, including further consideration of a multidisciplinary team response.

If you would like to discuss any aspect of this submission, please Liz Snell, Law Reform and Policy Coordinator or Gail Thorne and Yasmine Khan, First Nations Women's Legal Program Community Access Workers on [REDACTED].

Yours faithfully,

Women's Legal Service NSW

Gail Thorne and Yasmine Khan
First Nations Women's Legal Program
Community Access Workers

Philippa Davis
Principal Solicitor