

**REPORT ON PROCEEDINGS BEFORE**

**LEGISLATIVE ASSEMBLY COMMITTEE ON LAW AND  
SAFETY**

**ASSAULTS ON MEMBERS OF THE NSW POLICE FORCE**

**At Jubilee Room, Parliament House, Sydney, via videoconference, on Friday 25  
September 2020**

**The Committee met at 9:30**

**PRESENT**

Mrs Wendy Tuckerman (Chair)

Ms Steph Cooke  
Ms Tamara Smith  
Mr Mark Taylor

**PRESENT VIA VIDEOCONFERENCE**

Mr Edmond Atalla

**The CHAIR:** Before we start, I would like to acknowledge the Gadigal people who are the traditional custodians of this land. I pay my respects to Elders of the Eora nation past, present and emerging and extend that respect to other Aboriginal and Torres Strait Islander people who are present. Today is the second hearing of the inquiry into assaults on members of the NSW Police Force. We have witnesses taking part via videoconference and also attending here in Parliament House. The hearing is being broadcast to the public on the Parliament's website. I thank everyone who is appearing before the Committee today. We will now begin with our first witness.

**PENNY MUSGRAVE**, Member, Criminal Law Committee, Law Society of NSW, before the Committee via videoconference, affirmed and examined

**The CHAIR:** Thank you for appearing before the Committee today, Ms Musgrave. Would you like to make a short opening statement before we begin the questions?

**Ms MUSGRAVE:** No, thank you.

**The CHAIR:** What sort of strategies does the Law Society of NSW believe are needed to reduce assaults on police?

**Ms MUSGRAVE:** The Law Society's submission did not specifically address strategies that it thought might be useful, I think, in recognition that this is an area that has been examined through a number of different vehicles and that probably it does require a varied response, that there is a lot happening and that it probably requires involvement of a number of government agencies. I think the Law Society welcomes any inquiry—this inquiry and any inquiries that might come from it—that look at alternative means of supporting both the police and the community in positive interactions because it is clearly an area that has been of concern for some time and it is not an area that is going to be helpfully addressed through a statutory, sentence-based response.

**The CHAIR:** In your submission you comment that "community, preventative and educative initiatives" are "the best means to reduce the incidence of assaults". Do you have any examples of what you think could be implemented?

**Ms MUSGRAVE:** I am afraid I am going to give you a very unhelpful response there because I think what the Law Society was very keen to do there was to encourage your inquiry and make clear that in its view a sentencing response had been shown to be a very blunt tool to encourage behaviour change, and that the focus was very properly on those other options. The Law Society is a group of practitioners, albeit a very varied group of practitioners, that does have hands-on experience from clients who might experience different approaches but they have not specifically identified any approaches for your consideration.

**Ms STEPH COOKE:** You comment that a "nuanced approach" is required to "differentiate between assaults that are brazen attacks on police officers compared to incidents of vulnerable people reacting to stressful situations". How do you suggest a nuanced approach is cultivated?

**Ms MUSGRAVE:** I think the first question has to be a better understanding of the assaults. There have been very positive steps taken to create a dataset that breaks down the reported assaults on police officers. But I think what has become clear is that there then needs to be a secondary layer of analysis to understand what sits behind the term "assault" to understand the nature of the assault that is being dealt with because you are going to have to have different responses depending on what that assault is. It may be that the response requires the engagement of other agencies. The previous inquiry by this Committee, which was broader and looked at emergency services and frontline workers more generally, did make some recommendations around memorandums of understanding with health.

I know you have received other submissions about having mental health nurses out at police stations. I think it is all about gathering information that informs the strategies because one size is not going to fit all in this space. We also recognise that obviously assaults and what is happening is something that police often cannot assess before they go out and respond to something. The more information that can be gained to inform its planning, or its expectations, or its capacity and resources to be able to do a flexible response when they go out, the better because it may be that it does not just involve the police. They do need the support of other government agencies and a more whole-of-government response when they are going out to respond to the community. Does that answer your question?

**Ms STEPH COOKE:** Yes, thank you. That is very helpful, particularly in relation to a multi-agency approach to the complexity of these particular situations that police often end up finding themselves in almost as the point of last resort. I think that has been highlighted by other people before the inquiry.

**Ms MUSGRAVE:** Yes, that is right. They do. They are called out to all sorts of events that may or may not actually need a criminal response. I have been practising criminal law for a very long time but I am very happy and relaxed about saying that it is a very blunt tool. The police are a number that can be called for all sorts of situations. If they can draw on other resources to defuse the situation without resorting to criminal action, that may assist in community-resourced involvement.

**Ms TAMARA SMITH:** Thank you so much for making a submission on behalf of the Law Society. I am a former member. I am not currently a member. Is the Law Society suggesting with that differentiation that

there be a change in the law or flexibility in sentencing? Could you talk a little bit about that side of that differentiation? I am not suggesting that any assault on police is excusable but I am just trying to understand if you are suggesting that there is a difference and at what point would it be seen as different? Would it be in the law, would it be from a police perspective in terms of charging or would it be in sentencing?

**Ms MUSGRAVE:** If you could clarify your question, when you are talking about the difference, are you talking about a nuanced response to the branch of perpetrators assault or the different circumstances of assault?

**Ms TAMARA SMITH:** The exact words in a submission by the Law Society of NSW were:

... differentiate between assaults that are brazen attacks on police officers, compared to incidents of vulnerable people reacting to stressful situations.

**Ms MUSGRAVE:** I do not think the submission intends to put it any higher than to say that in order to understand and respond to the issue there needs to be an understanding of the range of human behaviours that are involved so that you can respond appropriately to them. It is really only by doing that that you are going to reduce the incidence of assaults because a response that reduces the incidence of one cohort may aggravate it for another. So no, we are not suggesting that there be a further statutory sentencing response drilled down on the different nature because the sentencing regime and the court process have sufficient scope to understand that and the sentencing process. We are talking about aiding a police understanding or better data understanding to support a response in the field to allow police to have more tools to give a nuanced response.

**Ms TAMARA SMITH:** Is the suggestion there that the decision or judgement around a brazen attack as opposed to a vulnerable person reacting to a stressful situation, that the assessment is made by police? Is that your submission? I am trying to figure out who the Law Society is suggesting makes that assessment?

**Ms MUSGRAVE:** It is really to assist police in informing their response to the situation so that when they are going out they are able to better engage with the person who might ultimately be the perpetrator or might not be the perpetrator to reduce the incidence of either the brazen assault or the inappropriate behaviour of a vulnerable person. The approach the police officer has to have would necessarily be different to those different cohorts in order to reduce the risk of an assault.

**Ms TAMARA SMITH:** One of the things we heard in the first day of hearings is that in most instances these assaults are happening out of the blue. I am just trying to understand the Law Society's position or submission around the context. I totally hear you in terms of multi-agency approach but I just wonder in the field how that actually looks.

**Ms MUSGRAVE:** No, I understand. I would not want our submission to sound trite because it is not meant that way. It is not a simple thing at all. Really it goes back to what we were talking about earlier which is using the data that the police now have about assaults, getting places like the Bureau of Crime Statistics and Research [BOCSAR] or the Australian Institute of Criminology to really drill down behind it to understand why those assaults are happening. Because police are now engaged in education and training, we need to go up to the next level so that when that out-of-the-blue response happens they are trained to be able to vary the response that they make based on what they are confronted with. I completely understand that it is a really difficult situation and we need to understand what is happening so that we can give them those tools to be able to utilise a variety of responses. The Law Enforcement (Powers and Responsibilities) Act [LEPRA] at the moment gives them very little guidance in terms of what reasonable force is. The more we can skill them to respond appropriately and quickly to what they are confronted with, I think the more support we can give them.

**Ms TAMARA SMITH:** Thank you very much. That clarified it. I really appreciate it.

**Mr MARK TAYLOR:** Ms Musgrave, besides your role here, I am aware that you have spent quite a reasonable amount of time within the criminal law and the justice system. In your experience would you say that offenders involved in assault police have a propensity to violence? Do they have violence on their criminal records previously? Is that what you have come across?

**Ms MUSGRAVE:** The easier way to approach that is to look at the data which does indicate that repeat offenders are involved. There are frequent flyers, we all know that. "Propensity to violence" is a difficult term. Why does anyone have a propensity to violence, might be the more appropriate thing. It may be that the circumstances that the person find themselves in, which might be a mental health situation, has not been resolved. A better way to approach that is if there is any suggestion that there is a cohort of frequent flyers or repeat offenders who take up a proportion of the assaults against police, we need to look at how we can respond to the circumstance which is making them respond violently to police. We need to look at therapeutic programs. We need to look at diversion that addresses the reason why they are responding in that way. What I can say with the policy experience I have is that putting someone in custody for a period of time is not necessarily going to address the causes behind

that person's responses. Inappropriate community responses need appropriate responses when they are dealing with police.

**Mr MARK TAYLOR:** What I was starting to drill down to is as a Committee we are tackling this from the wrong direction. We are actually talking about violence. Do you see any difference in the violence? Is the domestic violence framework any different than the assault police framework which is different from the alcohol-induced violence? On the domestic front we work on the basis that violence is not acceptable under any circumstances. We based our whole domestic violence framework around that it is unacceptable under any circumstances. Should we be looking at assault police from the same version that any form of violence is unacceptable? I do not want say it is just a violence response but is that the way we should be looking at it?

**Ms MUSGRAVE:** Can you expand a bit?

**Mr MARK TAYLOR:** As a Committee we are trying to make suggestions and solutions and you have highlighted that obviously there is an education and training part and there is a sentencing part for some offenders. So are we making this task difficult for ourselves? Is it merely a matter of violence within our community? So whether that violence is perpetrated against a family member, against a fellow drinker at a pub, against an innocent bystander or against the police or an enforcement officer, is it just a matter of violence and should we be looking at ways that the solution is to reduce violence? It is probably a bit deep. I know that you are very experienced in the justice system.

**Ms MUSGRAVE:** In some ways we have already got that. We do have a zero tolerance to violence. There are offences of assault and offences of assaulting police officers. I think we are past that point because the question that you are now really looking at is: How do we reduce the incidence when the statutory framework we have is purely reactive? The assault has happened, you take them to court, you punish them but we know that general deterrence is really of very little effect with a cohort who is stressed, mental illness, all those different factors. In this area, more so than a lot of others, general deterrence is just not really very useful. So you are actually moving away from that one-size-fits-all, zero-tolerance approach to ask: Are the assaults different? So yes, your question around whether domestic violence is different to alcohol-related violence, to any other violence is a very good question because you do need to understand what sits behind that behaviour and what is the best way of responding to the situations that they are coming from. How should we be responding to domestic violence? Because at the moment we do have a very criminally based response to domestic violence.

**Mr MARK TAYLOR:** Yes, that is right.

**Ms MUSGRAVE:** Often when people are coming into a house it is a terrible situation. What I am finding with clients is that—I can say in an extremely large percentage of matters it is often the person needing protection, often the wife, going, "I just wanted police to come round to stop the argument. I didn't want him charged." Often the attendance of police is an escalation in a domestic violence situation and not through any intention of police. They are there with a protective hat on. They want to defuse but because the whole—they are the arm of the criminal law and that just makes it go whoosh.

So yes, I think your question is a very good one but I think perhaps it is around the wrong way. Yes, we do have all these situations and we actually have a one-size-fits-all response. So we actually need to go the other way and go: Yes, we do have different situations. We do have different cohorts. We need to better understand what are the contributors to those situations but what other tools can we bring in? Do we need to more routinely have social workers involved in domestic violence situations? Do we need to have mental health workers? Do we need a more whole-of-government approach? Is there a way of actually reducing the criminal justice interface with the community? Are all criminal justice interventions the best intervention or is a health intervention a better approach? Is an education intervention a better approach, say, with troubled young people? So I think you are really at the beginning of—I hate to say this—a data journey.

**Mr MARK TAYLOR:** A typical problem.

**Ms MUSGRAVE:** Yes, it is very difficult.

**Mr MARK TAYLOR:** One of the submissions commented that the approach of police to assaults is to a lesser standard than some other occupations. Do you understand that question? If you were in, say, nursing or teaching or something like that and someone lashed out at you and struck you, you may not pursue criminal sanction against them. What do you think about that statement?

**Ms MUSGRAVE:** The suggestion is that police have got a lower threshold to charging?

**Mr MARK TAYLOR:** Yes, that was the inference.

**Ms MUSGRAVE:** Again, I think that is where you really need the assistance of someone like BOCSAR because that is probably a question that can be answered by looking at the occupational health and safety stats, compare it to proceedings commenced but then also compare it to the outcome of the proceedings. You probably have that data available.

**Ms TAMARA SMITH:** We do not actually. We do not have work injury data.

**Ms MUSGRAVE:** It would need to be crunched by someone like BOCSAR, I think.

**The CHAIR:** Mr Atalla, do you have any questions?

**Mr EDMOND ATALLA:** Yes, Chair. Thank you, Ms Musgrave, for your submission. I note in one of the stats that I have seen that consistently over the past six years the Sydney local government area [LGA] has the highest number of assaults on police. Do you have a view as to why that local government area would be the highest in terms of assaults?

**Ms MUSGRAVE:** I would be speculating. I think the most helpful answer I can give—and this is possibly something I could take back to the criminal law committee because we do have representatives from the Aboriginal Legal Service and from regional and rural New South Wales. I can only speculate really but it may have something to do with the relationships that police in the smaller police area commands [PACs] have with community. But there are also some different programs that various regional PACs have with their communities. So it may be a function of the strength of community relationships that areas outside the Sydney LGA might be in a position to develop that Sydney LGA cannot because of the size of it. I am speculating though.

**Mr EDMOND ATALLA:** Yes. We all know statistically that our First Nations people are over-represented in our present system. Would this be a contributor as to why statistically assaults on police are high in the Sydney local government area given that, I believe, it covers areas like Redfern and surrounding suburbs where our First Nations people are of considerable size.

**Ms TAMARA SMITH:** Not anymore.

**Mr EDMOND ATALLA:** There is no breakdown by suburb.

**Ms MUSGRAVE:** Also you would probably need a breakdown on the Aboriginal and Torres Strait Islander [ATSI] statistics as well. I do not know that you have those because it may be that although the number of assaults in regional areas is lower, there may be a higher representation of ATSI or Indigenous people in those statistics. So proportionately they may be higher even in areas where the assault level is lower. I would just be speculating in response to that. I would say the Aboriginal Legal Service would be better placed to respond to that question.

**Mr EDMOND ATALLA:** In its submission it puts that down to relationships, as you have indicated, between police and—

**Ms MUSGRAVE:** Okay. I have heard some very positive things about efforts that have been made in regional areas where time has been invested in doing that. There has been some very positive feedback.

**Mr EDMOND ATALLA:** How could the Law Society help in strategising how solutions could be derived? Could they dig down into those particular areas, see the causes and come up with policies and strategies that may assist?

**Ms MUSGRAVE:** I would have to take it back to the committee and question the resources of the Law Society to do it. But the Law Society is a vehicle to raise the awareness of the issue. If nothing else, it could be a forum perhaps of continuing legal education seminars on more of a workshop basis, which might call for input from solicitors from different areas. Because that is the one benefit the Law Society has; it does have this astonishing coverage across New South Wales. But that is a question I could take on notice and perhaps there could be some engagement with the committee if there was a need for us to do that. We would certainly be open to a discussion.

**Mr EDMOND ATALLA:** Thank you for that. I want to follow up on one of the comments that you have made. I think Ms Tamara Smith was also of this view. You indicated that law enforcement and custodial sentencing should not be the solution to resolve this issue. How can the Law Society help to get that message out or advise on policies and alternatives to capture the situation before it ends up in a custodial sentence?

**Ms MUSGRAVE:** In terms of supporting initiatives to try to reduce the incidence of assaults, again to an extent it is a question I would have to take on notice because how the Law Society uses its resources is not a call I make. To an extent it is really a question of disseminating information and garnering feedback from practitioners across New South Wales. So I think that we could get back to you on what we could do. But in some

ways practitioners again are really at the tail end of this. Practitioners get involved when someone has been charged. What we do when we come here is really give you hopefully the opportunity to ask us about what the experience has been once the assault has happened, so what the current landscape is. But the early intervention, rehabilitation and therapeutic programs are to an extent outside what we administer.

**Mr EDMOND ATALLA:** Who should have that role? Who do you believe should take that role?

**Ms MUSGRAVE:** It depends where you are placing it and again it depends on drilling down on the characteristics of different cohorts. You might have a situation where, as I said, education may have a role with young offenders. Domestic violence—we clearly need a more nuanced approach. That is an area where we have to do a whole lot more work. And there is health, education, Services Australia, a whole lot of places that have got the potential to make a positive impact on families' lives. If someone is frequently having interactions with the police, there may be scope to develop diversionary programs, genuine diversionary programs which when people go to court they are diverted into a government response that sits outside the court process, which would usually be a therapeutic response. That might be administered by Corrective Services or Corrective Services in partnership with Health. But this is going to whole-of-government. This is an opportunity to say there are people who are a problem—well, they are not a problem. That is a very bad way of putting it. There are people who present a more complex situation in their interactions with police because there are a whole range of factors involved in how they respond and it potentially needs a whole-of-government response.

**Mr EDMOND ATALLA:** Does the Law Society have a view on the use by the police of the Suspect Target Management Program [STMP]?

**Ms MUSGRAVE:** From memory the criminal law committee has not specifically submitted on the STMP but there have been submissions made on STMP by the children's issues committee raising concerns about STMP which have largely been consistent with the various reports on STMP, I think most recently being one from the Law Enforcement Conduct Commission earlier this year. So, yes, the Law Society has reservations about the use of the STMP and I think have called—I am sorry, I am not extremely familiar with it—for an independent evaluation and raised concerns that it is unreasonably targeting young people and not necessarily producing positive outcomes.

**Mr EDMOND ATALLA:** On the issue of mental health, many situations that we have seen, many of the assaults perpetrated by persons with mental health issues, do you believe that the police should be the first responders for mental health situations or should it be health?

**Ms MUSGRAVE:** I do not think there is a single answer to that question. It will not necessarily be police. If there is a mental health issue, it is possibly police or health or a combination of both. We need to be able to work with health in those situations. It should not solely be police.

**Mr EDMOND ATALLA:** Yes. In my electorate, and I have raised this with other witnesses, when there is a situation in mental health the ambulance, for example, do not want to attend unless the person is sectioned and the police are saying, "Well, it's not our role to section a person. It should be the role of the health units." There is a gap there. That is why I have asked that question. I am wondering whether the Law Society had a view in relation to how we as a society should be dealing with mental health persons, particularly in situations where assaults could be perpetrated.

**Ms MUSGRAVE:** We would not argue against you but there is a gap there, that both agencies have got a contribution to make. And again I am sorry because I have not gone back on this in detail but from memory the last committee review in this area I referred to earlier made recommendations about the memorandum of understanding [MOU] between police and health. It was seen as an area that needed further work. I am sorry, I am not completely across that. But this has been an identified gap for some time and I think that further work could usefully be done there.

**Mr EDMOND ATALLA:** I have no further questions.

**The CHAIR:** I have one question. In the last five years there has been a 42 per cent increase in assaults, actual bodily harm. Do you have any insights as to why that might be the case?

**Ms MUSGRAVE:** My first response would be that I think it is dangerous to look at that statistic in isolation from the overall statistics for two reasons: first of all because the overall statistics, I understand, show a general decrease when you factor in population increase and all those other things. So when you look at the end of the equation, there is actually an overall decrease. Your difficulty when you look at that statistic in isolation is that it is a label-based statistic, let's call it that. It is a number that has been attached to "actual bodily harm". Whether or not there was a change in policy about how that was categorised or whether it has shifted from some other category or whether it is a new reporting form, I do not know. This is where I would be strongly saying

step one is for police to start gathering that raw data; step two is to go to someone like BOCSAR who understands the impact of how that data is gathered and the context in which the data should be analysed. It is so important to get that secondary agency in to understand statistics like that.

**The CHAIR:** So you do not have a view one way or the other whether you think—

**Ms MUSGRAVE:** No.

**The CHAIR:** —the propensity of violence is increasing.

**Ms MUSGRAVE:** Well, my understanding is overall it is decreasing.

**The CHAIR:** As there are no further questions, thank you very much for appearing today. We may send you some further questions in writing. Your replies will form part of your evidence and will be made public. Would you be happy to provide written replies to any questions that may be forthcoming?

**Ms MUSGRAVE:** Yes. On a very practical level, could I say to the Committee that the criminal law committee of the Law Society actually meets next Thursday. So if there are questions I could usefully take to that committee, who have got that rural and regional representation, that would be the opportunity for us to draw on that knowledge and provide any answers that might assist the Committee.

**The CHAIR:** Thank you so much, Ms Musgrave. We appreciate your appearing today.

**Ms MUSGRAVE:** Thank you for taking it by video link.

**(The witness withdrew.)**

**PAM SMITH**, Branch Assistant Secretary, Independent Education Union of Australia, sworn and examined

**RUSSELL SCHOKMAN**, Policy Adviser, Independent Education Union of Australia, sworn and examined

**The CHAIR:** Good morning and thank you for joining us. We have with us Pam Smith and Russell Schokman from the Independent Education Union of Australia. Would either of you like to make a short opening statement before we begin questions?

**Ms SMITH:** Yes, I am very happy to do that. You have obviously seen our submission. Our submission is on the basis of the Independent Education Union, which represents principals, teachers and support staff in non-government schools, in the early childhood sector and in some post-secondary vocational colleges. Our union very much appreciates the opportunity to make a submission to this Committee. In doing so there are three key areas that we would like to highlight. We come from a position of respect for frontline workers. We see respect for police and the work they do as crucial, probably never more so than during the stresses of COVID and the uncertainties we face. That respect for frontline workers is central to our submission. We also come from a work health and safety perspective. Police are workers and they deserve to be treated with respect in the workplace and also with every possible effort to protect their physical safety, their psychological safety and their overall wellbeing in the work that they do.

We also make our submission from a community perspective on the role of policing in community engagement and community building. Because we are an education union, we are very much involved with schools and with young people, so we see the role of police as engaging with schools in a positive and supportive way in terms of the values of police and justice, democracy, respect and safety. That engagement with schools and with young people in a really positive way can be really important. We know that some young people, students in schools, are fearful of the police, and that may come from community factors or background factors in their own families or cultural communities. We would hope opportunities for positive police engagement with children and young people can enhance community building so that there is a culture of safety and support and seeing the police in that role.

**Mr SCHOKMAN:** I echo Ms Smith. The only thing I would like to add is that we talk about respect. I think the respect should not only be shown by the community to the police, but also the police should respect the people they deal with. It should always be a two-way street. In relation to community engagement, I think as Ms Smith stated, being part of the union, we represent those who work in child-related employment amongst kids. It is very important with the engagement with children that it should be at an early age or at a young age, not necessarily when they are close to being adults or late teenagers. There should be engagement at quite an early age.

**The CHAIR:** Are you aware of any current programs that are being undertaken to build ties between police and young people that are held in your independent schools?

**Mr SCHOKMAN:** I am not aware of it. As a community as a whole, we are all aware of the Police and Community Youth Club [PCYC]. Personally, I would like to see more of that type of engagement and, like I said before, at a much younger age.

**The CHAIR:** Through the PCYC?

**Mr SCHOKMAN:** And also school visits, meeting and touring in the classroom by themselves and also with the parents. I think it is important to have the parents present too because they bring up their kids on the right things to do and they should be there to see what information is provided to those children.

**Ms STEPH COOKE:** In your submission you comment that school-based programs can not only reduce any fear that young people have with the police force but also assist in crime prevention. Would you mind elaborating on this, please?

**Mr SCHOKMAN:** Again, that goes to touring the schools and respecting the work of the police. If they are taught at a very early age that the police have a role to protect property and lives and to assist in preventing crime, which is a tough job. If the kids know that that is their job, they are not there to hurt them or to scare people but they are there to protect them from the offenders and protect their property. It is very important as part of that engagement kids that know that.

**Ms SMITH:** If I could just add to that. In my union work I deal with a number of communities in South-Western Sydney, the Campbelltown area and Western Sydney. Sometimes the police are seen as engaging with schools when there is a problem or when there have been issues of vandalism. In one school I was familiar with, there had been some issues of possible sexual assault or inappropriate sexual conduct by some male students

against staff. Police were brought in, in a sense to talk to the kids and to tell them to behave themselves. That can be important. But broader than that, what I think works better is the police as part of the community: "We are with you in this community, we are members of this community working with you and your families so that there is that culture of safety and respect." Also, when you see police visibility not just in schools but also around shopping centres and railway stations, it is not seen so much as they are there to get young people but they are there to support a safe community.

If kids in schools can see that the police are part of the community, part of being safe in our community, then that takes it to a level other than, "The police are coming in because there is something wrong in our school and fixing it up." You have to build that culture of safety, respect and community. That might be the long haul, rather than coming in just when there are particular issues in our school or issues in a community. Sometimes police visibility around shopping centres or railway stations is enhanced when there are particular issues. But if it is seen as something more ongoing and supportive, then I think it can take it to another level.

**Ms STEPH COOKE:** Do you believe that there are differences in the way that the engagement between police and schools occurs in metropolitan areas versus regional and rural areas?

**Ms SMITH:** I think there are different challenges in communities in rural and regional areas. At one level the police can be seen as part of the community but we know that there can be factors in some communities, for example, in young Aboriginal people and how they engage with the police or even in parts of Sydney with some other culturally diverse communities. Again, I think it is building that sense of support and engagement rather than just problem solving or being seen as punitive at the time. But, yes, I think there are. I grew up in western New South Wales. I have seen how young people, including family and friends, have engaged with the police at various times. Sometimes that has been in a reactive way rather than in a positive, ongoing engagement way. There are challenges in rural and regional communities in policing. But again I think the focus has to be on community engagement and community building.

**Ms TAMARA SMITH:** I just want to ask you about socio-economic background. From your member teachers' feedback in schools, do you think that there is a relationship between socio-economic background and perceptions and trust of police?

**Mr SCHOKMAN:** Yes, there most definitely is. Again, that goes a lot towards educating the people about the work and role of police. To go back on something Ms Smith was saying, where we were talking about community engagement, there is one thing I have noticed. Previously you would see a lot of beat police on the streets. They were not just responding to crime. They were going about saying hello to the local business communities and residents. One thing I have noticed living in the Parramatta area is that there has been quite a significant reduction in that sort of activity by the police. That is something that I think is important, not just in Parramatta but again the rural and regional areas you are talking about. I know that we are in times of COVID and increased crime and all that sort of thing but I think that should again be a part of the police strategy to increase education.

**Ms SMITH:** We have union members across New South Wales from Moree, Wagga, Broken Hill, Western Sydney, Mount Druitt, Macquarie Fields—areas of significant socio-economic diversity. We also have them in much more affluent areas as well. I think we have to be realistic. There are different perceptions of policing in different socio-economic areas. It is also the culturally diverse areas as well with Aboriginal communities and some other cultural groups. We have to be honest and aware of those challenges and maybe look at how policing occurs in different contexts to build that culture of respect and engagement as well as just dealing with crime or potential crime.

**Ms TAMARA SMITH:** I think it is very interesting that in the statistics the wealthy suburbs, not surprisingly, have very low rates of assaults on police. I think Leichhardt is one of the lowest in the State. It makes me think again about what we have been looking at, which is all those other social justice issues around people having adequate housing and well-paying jobs. I do not want to draw a crude bow there but is it some of this around the fact that quality of life and affluence makes for happier people?

**Ms SMITH:** I think that is right. When people are feeling disadvantaged, dispossessed and disengaged, then they do not always see the police as their friend. They can sometimes, perhaps inappropriately, see them as an oppressor. I think that can be a reality for some people for socio-economic and cultural background reasons. They are challenges that need to be worked with in areas of Sydney and in rural and regional areas of New South Wales. Back to Mr Schokman's point, I think police visibility in a positive community way can be quite powerful rather than being seen just in a troubleshooting, crime-busting sort of way.

**Ms TAMARA SMITH:** Do you see a whole-of-school approach—sorry, I was a teacher for 21 years.

**Ms SMITH:** Yes.

**Ms TAMARA SMITH:** I have seen a lot of one-off things. I am just wondering if there are any whole-of-school approaches because you were talking about not seeing it in the broader community, for example, in Parramatta, as much as it used to. Schools are communities. In terms of engaging the whole school, are there examples in any of your schools that come to mind?

**Ms SMITH:** I am not aware of a whole-of-school approach to police engagement. Schools are really busy places. I am sure that other committees have looked at curriculum issues, the crowded curriculum over the years, what needs to be taught at school and what is on the agenda in schools. I think policing can sometimes be put to the side. We would agree that opportunities, as Russell said, from kindergarten onwards to see police as part of the community, to engage with police and the work that they do in schools—and that can become a bit more specific in education programs as students become older and maybe need to deal with and discuss issues about violence, domestic and family violence, and gender respect. Police may well talk to students about those sorts of issues as they progress through the years. I recall there was a situation in my own union work where a school was dealing with some issues of what I call gendered violence or inappropriate conduct towards women staff. As part of a community activity, police came in and spoke to the boys as a one-off but also then as part of a bit more of an ongoing initiative to talk about safety, respect and how we treat people.

**Ms TAMARA SMITH:** Yes, in other words, approaching it from violence and looking at violence.

**Ms SMITH:** Yes.

**Ms TAMARA SMITH:** I am sure you aware that the highest age group is 18 to 34 in terms of assaults on police and assaults in general. I hear you that there is a big role to play in schools in how they are addressing respectful behaviours in young people as they emerge into adult life.

**Ms SMITH:** That includes working with other agencies, school counsellors and other community support organisations. In the example I gave, I think the Anti-Discrimination Board NSW was also involved and gave some advice about gender discrimination and avoiding sex discrimination issues. I think the police can be seen—and, again, all of this is about time, resourcing and competing demands—as a valuable resource working with other agencies, particularly since, as you say, 18 and beyond is unfortunately a time when assaults can increase. It is also unfortunately a time of gendered violence as well.

**Ms TAMARA SMITH:** In other words, because these are crimes the only reason that the police—I am not suggesting that police need to be put on the curriculum. What I am suggesting and what I am hearing you say is that, much more broadly, these are issues around respect, respectful relationships and engagement with society and that the police are there to enforce the criminal law. Gendered violence is a crime and discrimination is a crime, so it is around the crimes and around the consequences of those behaviours that these things are—

**Ms SMITH:** Assaults of any kind grow out of lack of respect and deciding to ignore respectful relationships, whether it is blokes on blokes or against women. I think respectful relationships are the key of what we want and policing can be part of achieving that.

**The CHAIR:** Mr Atalla, do you have any questions?

**Mr EDMOND ATALLA:** Thank you both for your submission. I note that you spoke at length about how engagement between the children and the police is instrumental, particularly at an early age. Do you as an independent education union develop any policies for assistance to the school to initiate that engagement? Do you have a program where the schools, each school develops a relationship with their local area command where they can develop a program where the police can come in and talk to the kids and so forth? Do you have any such programs in place?

**Mr SCHOKMAN:** No, we do not.

**Ms SMITH:** In some ways it is not necessarily the role of the union to do that. We can encourage and support but that is probably more the role of employer bodies—for example, in our sector the Catholic education in each diocese or the independent school sector. But what you are saying about developing those links and relationships is positive. The Union can encourage that but it is probably not quite our role to actively do that.

**Mr EDMOND ATALLA:** And have you encouraged it in the past or is there something you can take on board to initiate that?

**Ms SMITH:** I think we will have conversations after today, conversations with some of our employers; for example, with the Catholic diocese of Parramatta, because I work in Parramatta, as does Mr Schokman, but we deal with all of the Catholic dioceses. I think we can put that on the agenda for some further discussions with employers as a positive.

**Mr EDMOND ATALLA:** I raise this because I remember growing up in Western Sydney we used to constantly get visits by police officers to our primary schools, in particular, before we hit the teen years, and developed that relationship, and it is usually the same officer that comes out and develops this relationship and the officer becomes the face of the entire Police Force. I think these programs were very successful 30, 40 years ago but I do not believe, having kids growing up in this area, that such programs exist anymore.

**Mr SCHOKMAN:** Can I add something to that? My son just finished year 12 last year and his education was all in the Parramatta diocese and throughout his whole education not once can I recall him saying that he did get a visit or he got a visit from the police. It was always "The Wests Tigers or the Parramatta Eels or the AFL guys", or someone like that, "came and visited us", but no, I cannot recall him ever saying that, so I support what you have said.

**Ms SMITH:** We agree.

**Mr EDMOND ATALLA:** We are talking about looking for preventative actions rather than reactionary actions and if we are talking about preventative actions I think it is a no-brainer that if we develop such programs, not just in our independent schools but also our public schools system, if we have such programs in place I think that will go a long way in developing the engagement aspect, and leading from that, central to your submission, is the culture of respect. So, again, how do you translate a culture of respect from the students to the police and vice versa without developing something that can initiate that?

**Mr MARK TAYLOR:** Thank you very much for coming along. I really think you nailed one of the underlining issues we have been trying to grapple with; you set it out quite clearly and it has been very helpful. Maybe taking your union hat off, are you aware, from your depth of experience over the years, if there has been any behavioural change or attitudinal change, programs or respect change programs that you think are an example of one that worked? That is, I know we have had attitudinal change with children in regards to the environment or to diabetes or healthy eating and things like that or respect, discrimination and gender and things like that.

**Ms SMITH:** I think a number of schools, particularly some of the all-boys schools, have taken on board respect programs. Unfortunately, the recent example of Sydney's Shore School that hit the media shows that if such a program was in place at that school it was not working or new programs are needed. I am aware through my union work, and we have done some professional development around the area of supporting women in boys schools dealing with issues of gender violence in particular, I think that those sorts of programs—the Union has had some involvement in some of them—but I think certainly there is a need for ongoing programs about respect and family respect but also gender respect, broader respect within the community, including respect for the police.

**Mr MARK TAYLOR:** So are you confident in saying from your experience you think with some of those programs, respect of women it may be, you have witnessed an attitudinal change within the cohort of, say, young boys?

**Ms SMITH:** I think some schools are doing an excellent job in focusing on that area. I am not sure that there is any one program. I think schools, particularly boys schools, develop programs to meet their needs with particular issues. I also think some schools have various initiatives in terms of the drugs area, to counter drugs—healthy lifestyle-type programs. So I think the two areas that schools do focus on which interact with policing are in the drug prevention area and in the violence prevention area. I think there are initiatives in schools. I am not sure how coordinated they are or whether they need to be because sometimes they are dealing with particular circumstances in that school or in its community.

As principals have told me, and our union covers principal members, you might be dealing with quite a different drug situation on the North Shore than you might be at Mount Druitt and you might be dealing with a different violence situation in one part of Sydney that might be different from maybe what is happening in Walgett or Moree. So schools do develop nuanced programs to deal with a range of issues, but they could always do with more support.

**Mr MARK TAYLOR:** Mr Schokman, you said that there was a move away from I will use the term community-based policing and you said it was even before COVID. When did you sense that? When are you saying that?

**Mr SCHOKMAN:** I will just add that I am an ex-policeman like yourself. When I was a policeman I saw community-based policing at its top. I left in 1997, so it was prior to that and a little while after that it was the big go, the community-based officers et cetera, et cetera. But I cannot really give you a set date or a time frame, but it is very noticeable to me. The majority of time that I see a police officer if there is a crime or an incident, it is a reaction to a crime or an incident.

**Mr MARK TAYLOR:** But I suppose you are saying that it was years ago, not just pre-COVID. You are saying it is some time ago.

**Mr SCHOKMAN:** Yes.

**Mr MARK TAYLOR:** Thank you very much.

**The CHAIR:** Any further questions? Thank you for appearing before us today and thank you for your submission and the time to take to write that. We may send you some further questions in writing. Your replies will form part of your evidence and be made public. Would you be happy to provide written replies to any further questions we may have?

**Ms SMITH:** Absolutely. Thank you.

**The CHAIR:** Thank you very much. Thanks for your attendance today.

**(The witnesses withdrew.)**

**(Short adjournment)**

**LEANNE McCUSKER**, Assistant Commissioner, NSW Police Force, sworn and examined

**The CHAIR:** I thank the witness for her attendance and for the written submission made by the NSW Police Force. Before we start, do you have any questions about the hearing process?

**Assistant Commissioner McCUSKER:** No, I do not, thank you.

**The CHAIR:** Would you like to make a short opening statement before we begin questions?

**Assistant Commissioner McCUSKER:** I would, yes. Good morning, Chair and Committee members. Thank you very much for this opportunity to appear before the Committee. Can I begin by clearly stating that the number one priority for the NSW Police Force is maintaining public safety but at the same time to ensure the safety and wellbeing of all employees of the NSW Police Force. Can I be very clear that one assault against a member of the NSW Police Force is one assault too many. There are very few professions that are more demanding than policing and every day police officers face situations and incidents that potentially put the lives of police at risk.

I have been a police officer for over 32 years and I have worked at a number of dynamic and challenging commands. Like many of my frontline colleagues, I have also been assaulted for just doing our job. As police, we are driven to serve and protect the community and to put the safety of others before our own. We are on the front line 24 hours a day, seven days a week protecting the community. We are who the community calls on in times of crisis. I reinforce that the health and safety of every NSW Police Force officer is paramount and that any violence against a police officer is simply not acceptable and should not be tolerated.

There are a number of complex issues before the Committee today, and I would like to touch on a few of those—firstly, the assaults against police and recent trends. As of September this year, over 1,600 police officers for New South Wales have been assaulted in the line of duty. Last year it was 2,500. That equates to 200 per month and around six or seven officers every 24 hours. Physical assaults continue to be the predominant factor whilst arresting or restraining offenders. Again, alcohol-related assaults continue to be the associate factor. We have seen an increase in assault occasioning actual bodily harm against officers. That has increased by about 29 per cent. The submission that had been circulated indicated around a 42 per cent increase but further analysis has indicated that that also included correctional officers. In terms of categories of law enforcement, they are captured there.

The most common age of groups assaulting police continues to be the 25 to 39 age group, although we do see some increases with other age groups as well. Probably what is pleasing to see is we are not seeing an increase in weapons used and we are not seeing an increase in multiple offenders. The training for the NSW Police Force is significant and robust. As you can appreciate, it commences at the police academy. Police officers are significantly trained. We have tactical operations model training, defensive tactics, firearms training but also de-escalation training, which is an acronym called STOPAR, which refers to stop, think, observe, plan, act and review. That is a significant de-escalation training for police, not to mention weaponless control training and training around mental health and also Aboriginal cultural training.

That all commences at the police academy. I reinforce that that continues through our career. Our training is ongoing, it is reinforced and it is mandated annually. That mandatory training is determined or approved by the Commissioner's executive team to ensure that we continue to have operational skills, operational recency and safety with police knowledge. That ongoing training or reinforcement of training may be as a result of new legislation or legislation that needs to reinforce coronial findings, NSW Law Enforcement Conduct Commission findings or anything else the commissioner's executive team endorses as relevant. The mandatory training is part of our police award, which again reinforces that it is mandatory training.

The NSW Police Force have a very strong community engagement. It is something that we have a clear focus on. We look to prevention and early intervention for a range of strategies, particularly with our youth where we try to keep our youth out of the judicial system through diversionary programs and a strong partnership with other government agencies or non-government agencies. We have over 78 youth liaison officers. We have over 43 school liaison police across the organisation as well. As no doubt the Committee knows from a witness on Monday, we have a very strong partnership with the Police and Community Youth Club [PCYC] as well. We work closely with them at 64 locations across the State.

The Fit For Life program and the RISEUP strategy have been successful early intervention and prevention strategies. We have changed the lives of people, particularly with the RISEUP strategy, which has helped over 300 young people successfully secure employment, as well as for the over 4,000 young people who have taken part in the Fit For Life program. We also work closely with the NSW Department of Communities and Justice through the Youth on Track program, which focuses on the younger age group of those between 10 to 17.

We work strongly with our Aboriginal community. This is evident in our recruitment processes and the community engagement that we have. We have the IPROWD, Indigenous Police Recruitment Our Way Delivery program, which is the Indigenous police recruitment our-way program. This has been a wonderful initiative, with over 800 students completing that program and over 165 graduating to become NSW police officers as well. We have Aboriginal cultural awareness training. We have a number of Aboriginal community liaison officers across the organisation, with 55 at various commands.

Grassroots programs are instrumental, and a number have been mentioned, but I want to highlight two particular programs at Redfern command—the Clean Slate Without Prejudice program and the Never Going Back program. Having worked at Redfern for a number of years, I was actively involved in those programs. I really saw the true value of the relationships that were built between the Aboriginal community and police as a result of them. They continue today and are incredibly valuable.

In closing, and to touch on our wellbeing support services again, the wellbeing and welfare of our staff is paramount and key to ensuring that we keep our police officers safe. I have brought with me our brochures that capture the significant number of critical services that are available to both our officers and, importantly, their families. We know that the nature of policing impacts families. These support services include police chaplains, peer support officers, availability to employee assistance programs, EAP, and also a significant family support service as well, not to mention when officers are injured and the reconnect programs that we have available as a part of return to work programs.

As the commander of human resources and as a police officer, I am pleased and proud to say that the NSW Police Force has a clear focus on ensuring the safety and wellbeing of all our staff from recruitment time at the academy all the way through their lives as a police officers and we look after the wellbeing and health not only of our officers but also that of their families. I look forward to exploring some opportunities today as to what potentially are the motivators, what potentially are the behaviours of the assaults that are occurring to police and, collectively, what could be some positive and future deterrents?

**The CHAIR:** I thank you and all serving New South Wales police officers. There is no doubt that it is a difficult career. You see the worst of humanity, but also the best of humanity and where it can be very rewarding.

**Assistant Commissioner McCUSKER:** Yes, absolutely.

**The CHAIR:** On behalf of the members of this Committee and our communities we thank you very much for your service.

**Assistant Commissioner McCUSKER:** Thank you, I appreciate that.

**The CHAIR:** You mentioned the 29 per cent increase in actual bodily harm, and we have seen a number of those assaults in the media and how they have played out. Can you give me any indication why there has been a significant increase in the ferocity of those assaults against police officers?

**Assistant Commissioner McCUSKER:** Certainly. Having a look at the data that is available, the causation factors do continue to be alcohol, they do continue to be drug-related as well and also the associated factors around domestic violence and mental health do continue to be the key driving factors that are connected with those assaults. I did mention that the age group is around about that 25 to 29 but it does continue for a few age groups above as well. One thing that we probably are seeing with the data is we are not having an increase of youth in terms of those assaults. That is no doubt a positive in terms of the evidence that is available but it is complex, it continues to be males and it continues to have the historical associated factors of drugs, alcohol, domestic violence and mental health.

**The CHAIR:** When the assaults are recorded for data, they do not actually indicate the drug as opposed to alcohol, do they? Do they separate them?

**Assistant Commissioner McCUSKER:** Yes, they are.

**The CHAIR:** They do?

**Assistant Commissioner McCUSKER:** Yes.

**The CHAIR:** Clearly your statement on the numbers of youth involved in assaults would probably indicate the success of some of the programs that the Police Force is currently undertaking, whether it be through PCYC or your engagement. Is that a good indication?

**Assistant Commissioner McCUSKER:** Yes. I would think that there is evidence to suggest that, as you heard me mention, in terms of the Fit for Life Program to have 4,000 young people engaged in that program is certainly a positive strategy, not only for those young people but for the relationship that is getting built between

those young people and police. Hopefully and no doubt that will continue throughout their life as well in terms of any strong relationships and bonds that are formed at that age.

**The CHAIR:** What do you think of the legislation that is currently in place? Is it sufficient to deal with this increase?

**Assistant Commissioner McCUSKER:** In terms of the legislation the role of police, if an offence occurs against a police officer, is to put the appropriate charges and put that individual before the courts and therefore the determination will be made by the courts.

**The CHAIR:** Do you believe the offences are sufficient at the moment?

**Assistant Commissioner McCUSKER:** Yes. As we well know, police are not the decision-makers as to what legislation needs to be there. Police are the enforcers of the legislation.

**Ms STEPH COOKE:** In your view, how important is it for the NSW Police Force to engage with school children and what are the benefits of that ongoing engagement?

**Assistant Commissioner McCUSKER:** I think it is very important. As you can see, we do have a number of youth liaison officers across the State. In each command there is a youth liaison officer and that person is that direct point of contact, not to mention the other police, either at commands or in districts in our regional areas—to have that contact with youth and to start at that young age for students to ensure that, as I mentioned previously, relationships are built, that young people understand the role of a police officer as well and to essentially build that respect in the early years of a police officer.

**Ms STEPH COOKE:** How much of a youth liaison officers role is about helping, say, vulnerable school kids, for example, who are truanting a lot, get them back to school and ensure that they do not come in contact unnecessarily with the justice system? I appreciate that is proactive in and of itself but more broadly how much of their role is proactive in terms of going into a school, talking to a class as a total unit about "Hi, we are police officers and this is what we do" and that sort of proactive policing?

**Assistant Commissioner McCUSKER:** Absolutely. You did hear me mention that we have youth liaison officers and we have school liaison officers. The difference between those two is really about the focus on the age group. The youth liaison officers will primarily focus on primary school-aged children and the school policing officers will primarily focus on high school. I think that is an important difference as well. The presentations, as you mentioned, of going into schools will be very different for those age groups. Our youth liaison officers that are going into the primary schools will focus on some safety issues that you would expect need to be reinforced to that younger age group. Historically that might have been around stranger danger et cetera, albeit that we know the factors that affect younger people is getting younger each day as well. They will go into the school and do those presentations.

You also mentioned identifying vulnerabilities. Once those relationships are established, that support can be identified and then they are able to look at what are the appropriate support services that maybe that young person or that family require—that may very well be identified if we identify young people truanting—and so then in terms of what really is going on as to why that truancy is happening and what are the supports that those young people need. The officers that go into the high school are conducting presentations that are more focused around older relationships et cetera and also the dangers or being aware of drugs and alcohol. So making those presentations appropriate to that age group and, again, identifying if there are any support services from other agencies that we can refer those individuals to.

**The CHAIR:** Do you have a target to see every school within a year or are they presenting at schools at the request of the education system? Is the program consistent?

**Assistant Commissioner McCUSKER:** Yes, certainly. That is managed by our youth programs command and those individual officers will have key schools that are part of their area so that they have got those relationships with the principals, can provide that support to teachers and principals and can provide that support to the students at those particular locations.

**The CHAIR:** So every area command has one youth liaison officer and one school liaison officer?

**Assistant Commissioner McCUSKER:** They have the youth liaison officer and the school policing unit is managed in terms of the various high schools. That might be collectively and they might overlap with a couple of different commands.

**Mr EDMOND ATALLA:** Thank you for the written submission, Assistant Commissioner. In one of the statistics that I looked at the local government area of Sydney has the highest number of assaults on police

officers throughout all of the local government areas in New South Wales, including regional local government areas. Can you share a view as to why this is the case?

**Assistant Commissioner McCUSKER:** Can I just clarify, are you making reference to essentially the central metropolitan region in terms of those statistics?

**Mr EDMOND ATALLA:** No, it is by local government area where the incidents occurred

**Ms TAMARA SMITH:** It is the first on the list.

**Mr EDMOND ATALLA:** It has the Sydney local government area, which is the Sydney City Council, as the highest number in July 2019—

**Ms TAMARA SMITH:** Nepean is the highest and then Sydney City.

**Assistant Commissioner McCUSKER:** Yes.

**Mr EDMOND ATALLA:** For some reason I do not have that. Nevertheless, Sydney City is very high. It has 353 assaults in total for that one year. I am just wondering if you have a view as to why this is the case. Is it particular, because we do not have a breakdown of suburbs within that local government area.

**Assistant Commissioner McCUSKER:** No, in terms of the "why" I will take specifically that question on notice to get some greater detail in terms of Sydney City Council, noting the high-density area of that location. I will take that question on notice to get some greater detail, clarity and analysis for that.

**Mr EDMOND ATALLA:** Ms Smith, Nepean is not a local government area.

**Ms TAMARA SMITH:** Sorry, it is a command district but Penrith is definitely the highest by area command.

**Mr EDMOND ATALLA:** Penrith is not as a local government area.

**Ms TAMARA SMITH:** Penrith is in Nepean command.

**Mr EDMOND ATALLA:** I am specifically talking about local government areas rather than commands. Mount Druitt does not show up on here because Mount Druitt is not a local government area. If you could take that on notice, Assistant Commissioner, because that will be helpful. If we know where the areas of high assaults occur, maybe we can drill down some of the causes and whether there is other relationships or cultural issues to be aware of.

**Assistant Commissioner McCUSKER:** Absolutely, I will.

**Mr EDMOND ATALLA:** That will also help with if there are any strategies to be developed as a result. We heard from the Police Association earlier in the week in their submission and evidence. They have indicated that the number of workers compensation claims by police officers are taking too long to be resolved. Do you have a view as to why this is the case? And what are the police doing to reduce that time for bringing some resolution for those with workers compensation claims?

**Assistant Commissioner McCUSKER:** In terms of workers compensation claims, our claims manager for New South Wales police is Employers Mutual Limited [EML]. They are bound by a legislative time frame in terms of whether a claim is accepted or whether a claim is declined at the time of the lodgement of the claim. They need to make that decision within seven days and that is a legislative requirement. In terms of actually accepting liability for that claim, again that is legislated and that is within a 21 day time frame. In terms of that part of the length of workers compensation claim, it is very much legislated that the insurance company is bound by. In regards to the length of the workers compensation claim, you can appreciate that it is complex and complexities continue around whether claims are open, whether claims are closed, whether claims are with time lost in the workplace. It can be an open claim where there is no time lost as well.

There are significant complexities around the workers compensation process but can I say that New South Wales police has a very strong injury management process. We have an injury management team that works closely with commands and work closely with the insurance company as well to ensure that we are proactive in terms of what the are outcomes for that individual. If the outcomes for that individual are not to return back to the workplace, then we have a robust return-to-work program where we can manage suitable duties for those individuals as well. In the event that the medical evidence has been determined that the officer can no longer perform the role of being a police officer, then we have a medical retirement process as well. That again is managed through our injury management team.

**Mr EDMOND ATALLA:** I raise this in the context of what the Police Association has said on the time frame for accepting claims. I hear what you are saying that it is a legislative requirement but they gave me the

impression that we are not meeting that legislative requirement. That is the reason I raise that particular issue. Do you have a cost as to what assaults on police are costing the New South Wales budget?

**Assistant Commissioner McCUSKER:** Yes, in terms of the workers compensation costs?

**Mr EDMOND ATALLA:** Yes.

**Assistant Commissioner McCUSKER:** Yes, I have that cost for physical assaults. That has been declining over the past couple of years but it sits at the workers compensation claim of \$7 million.

**Mr EDMOND ATALLA:** The Chair has raised the issue of police engagement with schools through school liaison officers and youth liaison officers. I am not aware if this program is at a command level. I am not aware that police officers visit their local schools, both primary and high schools. Are there any guidelines as to what information could be made available to members of Parliament about such a program at the level of local command areas? One of the issues that is coming out of this inquiry is the early engagement with the police and the schoolkids to instil that relationship and that will go a long way towards it. Are you aware of programs at local levels?

**Assistant Commissioner McCUSKER:** Yes, certainly with the youth liaison officers. As I have previously mentioned, we have 78 of those youth liaison officers across at the police command or police district, so it is at that local level. In terms of the school liaison, police currently have 43 of those. That is managed from our youth command and capability. I will take that question that you have asked in terms of the various programs and locations.

**Mr EDMOND ATALLA:** Yes, particularly for the Mount Druitt command, if you can get the information as to how many schools have been visited over the past 12 months and the types of schools—whether they are public schools or private schools—and any information that will assist me to get a feel for stats in my own command area.

**The CHAIR:** I think that information for broadly across the State would be useful as well.

**Mr EDMOND ATALLA:** Yes, but across the State we would just get the answer—

**The CHAIR:** I am sure it could be done by command.

**Mr EDMOND ATALLA:** Yes, that is fine as long as it is statewide across the commands. I do not want the answer to come back and say, "We've got 78 servicing New South Wales". That does not help. In relation to mental health issues, do you have any stats or percentage of police officers who develop mental health issues as a result of assaults on them? How many of your workers compensation claimants end up with mental health issues?

**Assistant Commissioner McCUSKER:** The complexities around our officers who have a psychological claim, I do not have that data that is specific, that it results from a particular incident or a particular assault.

**Mr EDMOND ATALLA:** You have indicated that you have 1,600 assaults this year.

**Assistant Commissioner McCUSKER:** Yes.

**Mr EDMOND ATALLA:** Can we get a feel for how many of those 1,600 would result in mental health issues? Is that something that can be measured or not?

**Assistant Commissioner McCUSKER:** When an incident happens to a police officer an assault is recorded on the police Computerised Operational Policing System, COPS, but we also have an injury management system where that injury is recorded from an internal perspective for that police officer to capture that from an internal perspective, which then goes towards potentially either the workers compensation or at times just to actually record that incident. They may or may not have received treatment. They may or may not have had time out of the workplace. So the question that I take it that you are asking is the correlation between those 1,600 assaults against police and then a correlation against our internal recordings of the assault and what happened to that officer.

**Mr EDMOND ATALLA:** Yes.

**Assistant Commissioner McCUSKER:** I will take that question on notice to have a look at that correlation.

**Mr EDMOND ATALLA:** Thanks for that, Assistant Commissioner. I have no further questions, Chair.

**The CHAIR:** Ms Smith?

**Ms TAMARA SMITH:** Thank you, Assistant Commissioner. I note you are a recipient of the Australian Police Medal. I thank you for your service.

**Assistant Commissioner McCUSKER:** Thank you.

**Ms TAMARA SMITH:** Picking up the question about the data, the submission states:

Due to the structure of the incident reporting system, identifying assaults other than physical (e.g. struck by thrown object or shot by firearm) has been unable to be completed as thousands of injury notifications would need to be read individually.

Can you explain to me what that means? Because my next question is going to be: Who should do that analysis in your view? It says to me that we are not able to drill down into the context or the nexus. Are psychological injuries captured by the assault stats? I am wondering if we can talk about statistics and maybe what, in your view, would be helpful for us to understand. That came out in the other hearing: Academics said that there is not enough data. If we are going to address causation, we need to understand what is happening, obviously keeping individuals' privacy. Does "other than physical" mean that being shot is not a physical assault?

**Assistant Commissioner McCUSKER:** Can I just clarify, you are making reference to our—

**Ms TAMARA SMITH:** Your submission.

**Assistant Commissioner McCUSKER:** I just wanted to clarify that you are making reference to the internal reporting process.

**Ms TAMARA SMITH:** I do not know. What I read out comes from the NSW Police Force submission. That was the exact wording. It is right at the end; it is a little note about the data, numerical point one under the heading "Limitations" on page 29. I might be reading into that.

**Assistant Commissioner McCUSKER:** Yes, so just to put that into some clarity and context, in terms of what can be captured on our incident reporting system it is really a larger range. I would estimate that there is maybe 20-odd different issues that can be captured on that document.

**Ms TAMARA SMITH:** Like indicators?

**Assistant Commissioner McCUSKER:** Absolutely. So an officer may complete that because they have been assaulted by somebody and they may have bruising, they may have swelling, they may have a broken bone as such and they can all be captured on that document and captured collectively as well to really identify what was the injury that happened to that officer as a result of that issue as well. Now certainly, and this probably goes to the previous question as well, an officer can indicate that they suffered from some psychological injury as a result of that assault as well and capturing, I suppose, the full impact to the officer as a result of that incident. It is true, in terms of the real devil in the detail, that those injury notifications do need to be read to draw out the very detail as to what has happened to that officer.

**Ms TAMARA SMITH:** If the incident report includes a physical assault and then the officer self-disclosed that they were not sleeping or that there was something that would allude to a psychological injury, would that still count as a single assault in terms of the stats that the Police Force is putting forward? There might be a range of things. If they were punched four times, would that correlate in the statistics as four assaults or is it all one incident? Are these incidents or are these actual assaults? If they are incidents, then I am wondering whether there is so much more happening to police that is not captured by these data.

**Assistant Commissioner McCUSKER:** If the officer was recording a particular incident as to what happened today, then it would capture that as one incident and, therefore, as I mentioned earlier, if there was bruising received, if there was swelling received, if they were affected psychologically, that is captured together but we are able to draw that information out.

**Ms TAMARA SMITH:** Would you be able to find out for us if that would count? I understand the limitations for us in the sense of being able to know what went down and the context. But I am just trying to understand it in terms of the figures that BOCSAR has and that are in this submission which talk about the number of assaults on police. This year there are 1,600 assaults. Are they 1,600 incidents? If in one incident a police officer was assaulted twice—in terms of the law there were two physical actions or assaults—would it be captured as still just one incident for these statistics? Is that what they are saying? They have not gone through and said, "That is actually six assaults that have happened on that officer."

**Assistant Commissioner McCUSKER:** Yes, and I suppose that links in terms of the law. If there has not been a separation of those incidents, then it is captured as one, and that is in line with what is determined by the law as well.

**Ms TAMARA SMITH:** I see.

**Assistant Commissioner McCUSKER:** So I will take your question—

**Ms TAMARA SMITH:** Sorry, Assistant Commissioner. So it is assault in the sense of a charge, the criminal threshold for assault—

**Assistant Commissioner McCUSKER:** Our internal we capture differently because we can capture a few things. But I will take your question and get some clarity for you.

**Ms TAMARA SMITH:** Yes. I guess what I am alluding to is the question of whether there is an underrepresentation of actual harm. We are looking at this in terms of assaults, so it is a bit contested what we even mean by that. We have not really discussed psych injury at all. I am wondering what the relationship is between an entire traumatic event, what has actually happened, and the statistics. It could be far worse than the statistics suggest. What I am trying to understand—and I am sorry if I am just thick as a brick—when BOCSAR is doing the statistics and when the Police Force is doing statistics, what is the definition of an "incident" or an "assault"? I would really like to know that..

**Assistant Commissioner McCUSKER:** We will take that question for you.

**Ms TAMARA SMITH:** Thank you so much. Moving on from data, I was quite astounded to see that 48 per cent of assaults are alcohol-related/associated factors. On the first day of hearing we heard that when police are called out the intel as to what they are walking into is very important but it is very much reliant on possibly a victim or a bystander. The training that officers have at the academy sounds very extensive and there is ongoing mandatory training. Would you say that there is a protocol—given how high it is, with alcohol involved in nearly half of assaults—or really clear strategies for officers in attending places where there is high alcohol use?

**Assistant Commissioner McCUSKER:** Certainly I would say that that is part of all police officers' situational awareness, regardless of whatever job we are going to, and that is part of training, which you have heard me mention is quite extensive. Police officers are well and truly trained in terms of assessing a situation and assessing a situation very, very quickly, whether that be turning up to a public area, turning up to a residential address, turning up to a licensed premises. Additionally, as police officers are essentially driving to a location, the call to respond to that has come over our police radio. We have a very robust communications command.

Our officers that operate in our police communications, which is called our VKG, are extensively trained as well to glean information for those coming through and to ensure that the officers responding to those locations have as much information as can be. That may also include our radio operators conduction location inquiries as well to even gather further information if it is a particular residential address et cetera. To answer your question in terms of training, it is very much all that training that police receive, that situational awareness, ensuring strong communications and having that strong communication upon arriving, which is also an advantage to identify what that situation is that you are walking into.

**Ms TAMARA SMITH:** I will finish on this. Do you think police officers understand the statistic that nearly half of all assaults on police involve alcohol? Would you think that rank and file officers have got that sense?

**Assistant Commissioner McCUSKER:** Yes, I do.

**Ms TAMARA SMITH:** Thank you so much.

**The CHAIR:** Can I, if you do not mind, touch on your recruits and when they go out into the communities? There was some evidence given by Dr Wooden in regards to not taking that one-size-fits-all approach and maybe having a better system of getting newer recruits engaged within the community prior to them actually starting on-the-job training. What are your thoughts on that?

**Assistant Commissioner McCUSKER:** Yes. Can I say that that is in place. In terms of our recruitment and training, we have a very strong recruitment process that is robust, that ensures that before anyone is a successful applicant with New South Wales police that we have stepped through a number of checks—a number of background checks, a number of medicals, physical and psychological checks as well. So we have that in place in terms of our robust recruiting. In terms of our training down at the academy—and really if I talk about that first 12 months of training for our police officer, that first session is down at the academy where they will take part in not only learning the law but having some very practical hands-on, scenario-based training as well. Whilst they are still in what we will call session one, that first phase of training, they actually will go out to a police station and they will work with our senior police out at a police station. That is some field-based training that they do receive. That really reinforces to that recruit as to what the nature of policing is going to be and they can get some very visual and hands-on experience from those senior police officers as well.

So then returning back to the police academy for session two, again they have some very strong field base or scenario-based training that is about that physical training, tactical training, strong communications training and also regarding our police radio as well. As you know, upon graduating from the police academy they are placed in a buddy situation. So they are teamed up with an experienced police officer in terms of the buddy period for the first three months of their policing career to really get that experience as to engaging with the community, understanding from that senior police officer the importance of communication and the importance of having that situational awareness but also about strong community engagement as well.

**The CHAIR:** When you talk about the first phase, do they go back to those areas? How do you determine where the recruits go to and is that just by their choice?

**Assistant Commissioner McCUSKER:** In terms of that first field base while they are in session one?

**The CHAIR:** Yes.

**Assistant Commissioner McCUSKER:** It can be a combination of both, so in terms of the practicalities as to where that individual may reside.

**Mr MARK TAYLOR:** Assistant Commissioner, thank you for your submission on behalf of the NSW Police Force. I just want to look at chapter 2, which is the data. I know that we have gone over it a few times but I just wanted to clarify. It can be said that over the last five years the number of assaults have not increased as a pure number but I suppose we would agree that the population has certainly increased?

**Assistant Commissioner McCUSKER:** Yes.

**Mr MARK TAYLOR:** And the NSW Police Force has increased in some numbers?

**Assistant Commissioner McCUSKER:** Yes, it has.

**Mr MARK TAYLOR:** Would you know whether the engagement with people has increased? Have interactions increased, would you say? You might have to base it on your own experiences but would engagements have increased? Would the police have had more interaction with the community over those five years or not?

**Assistant Commissioner McCUSKER:** As you rightly pointed out, I do not have that data on engagement before me but if I think in terms of our proactive strategies, proactive interventions and certainly our clear strategic intent of prevent and early intervention, then I think we could ensure that our engagement with the community has increased without having that data before me.

**Mr MARK TAYLOR:** From your human resources background and experience, has the protective equipment improved over that period of time? I am thinking of what the police carry and what they have in the car and things like that.

**Assistant Commissioner McCUSKER:** Certainly over the period of time the equipment that is available continues to be reviewed and continues to be best practice. In terms of what is available, even in terms of how the arms and appointments are carried by police, as you are aware, in terms of a vest that can be worn by officers, that protective equipment is designed to what best suits that individual and how they manage their arms and appointments as appropriate once they have received the appropriate training.

**Mr MARK TAYLOR:** I think you said the information that is available is better, say, when the radio tells them what information there is on the premises, at a location or on a person?

**Assistant Commissioner McCUSKER:** Yes, absolutely. The individuals, the sworn and unsworn officers, who work in our radio area are critical to providing that information to the responding police, to the first responders. That information is certainly able to be captured quickly and readily and then provided to the officers responding as well.

**Mr MARK TAYLOR:** You also told us that defensive training and tactics has taken on a different flavour over that period of time?

**Assistant Commissioner McCUSKER:** Yes, absolutely. We continue to enhance the Tactical Options Model. Again, communication is a clear focus for police. Defensive training is always reviewed by our Education and Training Command to ensure that we have best practice. We are learning from any other jurisdiction, or we lead out on best practice as well, to ensure that our officers have the greatest training. I am confident that they have the greatest training in terms of defensive tactics et cetera. Also, ensuring that we have de-escalation models in place as well. Once the situational awareness has been established by the officers attending, they certainly have the skill set to look, stop, reassess the situation and to look at what de-escalation models can be put in place.

**Mr MARK TAYLOR:** Are you aware of whether the fundamental statistic on assaults, that is the one we say has increased dramatically, or I think we all agree remains stable, does that include obstructing, hinder and resist and those other types of lesser offences? Are you aware?

**Assistant Commissioner McCUSKER:** I would have to take that question on notice. I do not have the details you are referring to in terms of hinder police charges.

**Mr MARK TAYLOR:** As the Member for Ballina indicated, it may be the case that someone strikes out, pushes back or kicks out during an arrest and they are not actually charged with assault of police as such. They may or may not be charged. Could it be that those interactions are not being captured by this particular data?

**Assistant Commissioner McCUSKER:** As we know, that would depend upon the various circumstances. If an individual was striking out at police, that could potentially constitute an assault.

**Mr MARK TAYLOR:** At chapter 2.2, we seem to see that the biggest group is definitely the 25- to 34-year-olds, is that right? Some 596.

**Assistant Commissioner McCUSKER:** Yes, that is right.

**Mr MARK TAYLOR:** I do not want to put broad statements but I suppose it is that group rather than young youth. It is not the interaction with youth that is raising this statistic. The interaction with youth is not causing a significant amount of assaults on police. It actually seems to be the 25- to 34-year-old bracket.

**Assistant Commissioner McCUSKER:** Yes, that is correct. From the evidence and from the data that is before us, that is correct.

**Mr MARK TAYLOR:** If we go to chapter 2.5, the alcohol association with assaults, is it the case that when a police officer enters into the computer system, or whatever they do, it says, "Was alcohol involved?" Do they tick yes or no?

**Assistant Commissioner McCUSKER:** Correct.

**Mr MARK TAYLOR:** That could vary. They could be extremely intoxicated or they might just smell of alcohol or something like that.

**Assistant Commissioner McCUSKER:** That is right, yes.

**Mr MARK TAYLOR:** That is not necessarily on licensed premises, is it? It could be that there is alcohol involved. They might be at a domestic and there is alcohol involved.

**Assistant Commissioner McCUSKER:** It could be on a public street. Correct.

**Mr MARK TAYLOR:** The next one down, at table 16, drug-related incidences seems to have remained the same over the last five years?

**Assistant Commissioner McCUSKER:** Yes.

**Mr MARK TAYLOR:** Domestic violence seems to have remained the same as well. Domestic assault seems to be reasonably stable. Would you agree that the number of domestics being attended by police has significantly increased? Do you have the data?

**Assistant Commissioner McCUSKER:** The number of domestics that are attended by police is predominantly one of our highest occurring incidences that we attend to.

**Mr MARK TAYLOR:** I know it is a very broad statement but is it fair to say that if police were called to a domestic violence situation, particularly now with the extra information on the radio and everything, would they be on high alert and would they be engaged through a very well-trained procedure about how they look after their own health and wellbeing at those incidents?

**Assistant Commissioner McCUSKER:** I think for any incident that police are turning up to, officer safety is paramount and situational awareness is paramount. If there was information available to police, then that situational awareness would be appropriate to that situation.

**Mr MARK TAYLOR:** From the data, one of the factors that had increased is shown in table 4 at chapter 2.1 under "Incident broken down to activity during injury." Do you have that one?

**Assistant Commissioner McCUSKER:** Did you say 2.4?

**Mr MARK TAYLOR:** Under 2.1. I think it is table 4. It says, "Incidence broken down to activity during injury."

**Assistant Commissioner McCUSKER:** Yes, I have got that.

**Mr MARK TAYLOR:** We see there that "arresting of offenders" from 2015 to 2019 dropped a little bit.

**Assistant Commissioner McCUSKER:** Yes.

**Mr MARK TAYLOR:** But "mental health intervention" has gone from 53 to 73 incidents. That is definitely an increase.

**Assistant Commissioner McCUSKER:** Yes.

**Mr MARK TAYLOR:** I cannot see anything that dramatically increases or stands out besides that one.

**Assistant Commissioner McCUSKER:** No. Looking at the data, I certainly continued to see that "arresting an offender" or alternatively "restraining offender" was where assaults took place and also potentially with mental health interventions as well. Those were the key activities when an assault against a police officer has occurred.

**Mr MARK TAYLOR:** Yes. In fact, things like "search persons" and "crowd control" have actually stayed the same, if not fallen, despite those increased engagements.

**Assistant Commissioner McCUSKER:** Yes, that is right. As we had previously mentioned, without having the data before and just noting our proactive interventions, there has not been an increase there.

**The CHAIR:** When it is recognised that there is a mental health patient or an incident, what is the process in getting mental health teams involved? I know there is a memorandum of understanding [MoU] with Health. Is that correct?

**Assistant Commissioner McCUSKER:** Yes.

**The CHAIR:** Can you just explain how that is working? Are there better approaches to dealing with mental health patients?

**Assistant Commissioner McCUSKER:** Certainly police training in regard to mental health intervention or mental health training for police has continued. All police recruits since 2014 have had the one-day mental health training. It certainly provides that greater understanding of a person who may be suffering from a mental illness. A significant number of staff have received the four-day training as well. We have worked collaboratively with Health on all the training that NSW Police have. Senior clinicians have been a part of designing and developing that training. It certainly has had academic endorsement as well. The fundamental process for the MoU is really to ensure that there is that strong collaboration between NSW Police, Health and Ambulance. In most cases when a person is in an acute mental illness state, police will be called and ambulance officers will be called as well.

It is really about ensuring that our police attending have an understanding that this person is suffering from a mental illness, looking at what the appropriate de-escalation can be and what the appropriate language is for that individual to ensure that they feel safe as well. That MoU is really designed for that awareness over the mental health and mental illness of the individual and also around the transportation, which is key to ensuring the safety of that person and their sense of wellbeing. NSW Ambulance are best placed for the transportation of those people and individuals through to a health facility. Those are really the key principles: to understand the Mental Health Act, to make sure that there is clear guidance in that MoU for the Act and predominately to ensure that Police, Ambulance and Health are working collaboratively and that we have got the transportation in particular when police are also called to assist with that individual.

**The CHAIR:** What impact are police assaults having on the ground to strength in numbers and to families? I mean it is enormous. How are we coping in regard to policing numbers when we are seeing a lot of these assaults affecting the continuation of police working on the ground?

**Assistant Commissioner McCUSKER:** Yes. Certainly, as I said at the very beginning, any assault on any police officer should not be tolerated. In terms of the question that you asked about the impact to officers, again we continue to reinforce all our wellbeing support services to ensure that the appropriate physical support and importantly the appropriate psychological support is provided to our staff for that. You did mention families. Again, we reinforce to our staff that the support services we have are available not only to them but to their families. That is important in terms of that employer assistance program but also the family support service coordinator that we have within our commands and our organisation that can support families. Our police chaplains and our peer support officers that we have at each and every command are also invaluable, not to mention we also do have physical training officers. They can offer support in terms of any physical recovery for

our staff. To reduce the impact, we have all the appropriate support services in place, not only from corporate human resources but at every command, so those individual officers can be appropriately supported.

**Ms TAMARA SMITH:** Who makes the call? Two officers go out, there is an incident and one of the officers has been assaulted. Who makes the call to charge assault on police? Does that happen then and there? I am just wondering if there are any disincentives for police even making that call for themselves that that has actually happened.

**Assistant Commissioner McCUSKER:** To answer that question, it happens then and there, unless that individual who assaulted police was able to escape or break free. If that individual assaulted police, they would be arrested and charged in normal circumstances immediately.

**The CHAIR:** Assistant Commissioner, I am going to put you on the spot here. I am going to ask you: What do we need to do as a society to prevent assaults on police? What do we need to do to get the respect back?

**Assistant Commissioner McCUSKER:** I do believe we actually need to look at the causal factors. We have had some lengthy discussion here this morning. I would think that potentially that question is still unanswered. So what are the causal factors of why people do assault police? What are those behavioural issues? What potentially are the broader social factors that we could look at exploring? I think they are the questions that we need to answer to have a greater understanding as to therefore what are the next steps.

**Mr MARK TAYLOR:** I do not think you answered the question.

**Ms TAMARA SMITH:** I think you did because you are saying we need a lot more factual data.

**Assistant Commissioner McCUSKER:** We need to know a lot more.

**The CHAIR:** Further studies into how this is happening, why it is happening and what do we do to deter it?

**Assistant Commissioner McCUSKER:** Absolutely.

**Mr MARK TAYLOR:** Can I just clarify one thing which came out earlier in the hearing? There was a comment that police may take a very technical approach to being assaulted and therefore that is why there are a number of assault charges: they have a very low threshold compared to other occupations. This is probably not an organisational question but from personal policing experience would you agree with that statement or disagree with that statement? Or would you say it is the reverse?

**Assistant Commissioner McCUSKER:** I would draw very black and white if an assault has happened and we all know the definition of what "assault" means. Yes, there is a different section within the Crimes Act for assault police, but that is really only by virtue of our occupation. The principles of the assault are still the same, that if an assault happens against any person or on a police officer, then the appropriate action should take place.

**Mr MARK TAYLOR:** Another global question then. You prepared yourself for today and you have read all the data, do you have any opinion as to why the number of assaults is stable and yet the population has gone up, the number of the police has gone up and the interactions have gone up significantly?

**Assistant Commissioner McCUSKER:** I think that is an interesting point.

**Mr MARK TAYLOR:** Have you formed any opinion as to that?

**Assistant Commissioner McCUSKER:** I would suggest that that needs to be explored further because it is very clear on all those points that you have made in terms of population increases, police numbers have increased, interactions no doubt have increased, but those assaults it is quite obvious that they do remain stable.

**Mr MARK TAYLOR:** And you have not got any ideas?

**Assistant Commissioner McCUSKER:** No, well—

**Mr MARK TAYLOR:** I do not say that negatively.

**Assistant Commissioner McCUSKER:** No, and I appreciate that as well. I do think that is something we need to explore as well. Looking at the data I think there is opportunity to explore a number of factors.

**The CHAIR:** Are there any further questions?

**Ms TAMARA SMITH:** Can I just ask a question of the lawyers? I know I am a lawyer but I definitely do not know this. Public disorder, what is the definition of "public disorder"? It says in the Crimes Act that it is an assault occurring based on public disorder. Is that like a rally?

**Assistant Commissioner McCUSKER:** Not so much a rally because, as we know, they are in most cases lawful. So, a group of people not behaving to the standards required of the community, without having the definition in front of me for public disorder, but that is essentially what it means.

**Mr MARK TAYLOR:** Sorry, I left out one very important point. Back to our tables. On table 6 in 2.1, particularly after I just said that everything else had risen but not the assaults, what has risen, would you agree, is police assault in the execution of duty causing actual bodily harm. You said that in your opening statement, I believe.

**Assistant Commissioner McCUSKER:** Yes.

**Mr MARK TAYLOR:** So the severity of those assaults has increased, according to the data.

**Assistant Commissioner McCUSKER:** That is exactly right, and I did make mention on the page that you are referring to it does indicate 42 per cent. I will just clarify that that is 29 per cent because law enforcement did also capture our correctional officer colleagues as well just in the second line down. But notwithstanding that there has been the increase of assault occasioning, having a look at that, the data only suggest that age bracket of 25-year-old to 39-year-old males has increased and also a little bit of older males as well—not to the same extent. So that is what is increasing, the older males with the assault occasioning to police officers. So in terms of any of the other associated factors of drugs, alcohol, domestic violence associated or mental health, that remains consistent, but it is the age group that is the only thing that is standing out in that regard. I did mention earlier that what is pleasing is that it is not weapons that is increasing, causing the assault occasioning, or it is not multiple offenders as in multiple groups of offenders that is increasing that either. So, again, I draw the fact of what is the causation there? What is the behavioural issue? What is the driving force? What is the motivation there?

**Ms TAMARA SMITH:** You have no insight as to what that could be?

**Assistant Commissioner McCUSKER:** Not with—

**Ms TAMARA SMITH:** Not with what we have got.

**Assistant Commissioner McCUSKER:** I think there is opportunity to explore that.

**Mr MARK TAYLOR:** And that severity has increased contrary to what we said before about improved protective equipment, improved defensive training and improved information.

**Assistant Commissioner McCUSKER:** Yes, absolutely.

**Ms TAMARA SMITH:** Sorry, I have got one more—it really is the last one. I know we do not have 2020 but we do know that there were 1,600 assaults so far this year. Looking at the stats on table 6 of our actual bodily harm and grievous bodily harm, even if we were conservative when we said in 2019 there were 312 serious violence offences against officers—actual bodily harm and grievous bodily harm—spitting, or if it is not actual bodily harm what sorts of other things are happening, because obviously over a thousand other things are happening? I am just trying to understand what they are.

**Assistant Commissioner McCUSKER:** The bulk of the assaults are what I will call common assault. Then just to step it out, they range from various common assault to actual bodily harm assault and, as you can see, the escalating scale of grievous bodily harm et cetera, et cetera, and fortunately they are not increasing.

**Ms TAMARA SMITH:** Thank you.

**The CHAIR:** Thank you. Obviously, we have gone over time and I appreciate your continuing on with our questions. I am sure we will have other questions. Your replies to those questions will be much appreciated and they will form part of your evidence and be made public. Would you be happy to answer any further questions that we may have, and it appears there could be quite a few?

**Assistant Commissioner McCUSKER:** That is absolutely fine.

**The CHAIR:** Thank you very much again for appearing today and, again, thank you for your service.

**Assistant Commissioner McCUSKER:** Thank you very much.

**(The witness withdrew.)**

**MARNIE O'BRIEN**, Executive Director, Health and Safety, NSW Department of Education, before the Committee via videoconference, affirmed and examined

**ALEX SAKIS**, Director, Case Management and Specialist Support, NSW Department of Education, before the Committee via videoconference, sworn and examined

**The CHAIR:** Before we start, do you have any questions about the hearing process?

**Ms O'BRIEN:** No, thank you.

**The CHAIR:** We have an issue with feedback. We will delay the proceedings while we deal with the issue.

**(Short adjournment)**

**The CHAIR:** Thank you for your patience while we dealt with technology issues. Thank you for joining us and for your submission to this inquiry. Would either of you like to make a short opening statement before we begin the questions?

**Ms O'BRIEN:** No, we are just happy to respond to any question that the Committee may have.

**The CHAIR:** Thank you. Questions from Committee members? I will ask the first question. In your view, how important is it for the NSW Police Force to engage with school children and what are the benefits of ongoing engagement?

**Ms O'BRIEN:** That is a great question, and good afternoon to all of the members. We do a lot of work with the NSW Police Force engaging them in working particularly with vulnerable children or children that are not necessarily vulnerable but are in isolated and remote communities where a number of the programs and support that they provide to young people actually make a really big difference. There are lots of really important benefits from having young people in our schools engage and build relationships with New South Wales police. It is also a really good foundation for when incidents and issues occur in not just the community but in our schools as well. We have found that where we do have high levels of interaction and good relationships with the local police, that really supports the recovery aspect. That really allows us to be able to work hand in glove with the families as well as the children when there are challenging situations emerging either inside the family home or within the school community more broadly. I would be loathed to see a reduction in the amount of time and effort that goes into working between youth command and our schools. The work that we do is highly valuable.

**The CHAIR:** Can you provide us with some information around the school-based programs that are operating in schools? Are they aimed at building ties between the NSW Police Force and young people?

**Ms O'BRIEN:** There is a range of different types of engagement and programs that we work with NSW Police Force on inside schools. Some are educational in nature in relation to making young people aware of the risks and issues around things like drugs, gangs, the impact that violence may have, making them aware of domestic violence issues and where to go to seek advice and assistance. There is a whole program and suite of materials that are age-specific and are delivered to schools upon request through the local school police liaison officers throughout the State. We also have programs where we work very closely with young people who have been identified as at risk in some way, shape or form.

There is a range of NSW Police Force programs and other community support programs where we work collaboratively to be able to pull together what we term within the Department of Education a customised support plan for that young person. That looks at their engagement, learning needs, personal support needs and what is happening at home. It also arranges for them to become engaged in some really constructive activities to try to re-engage them in a healthy way back into the community, as well as back into the school. We have several targeted programs and initiatives.

There is also a number of more specialised programs of support that are offered through the NSW Police Force that target more specific areas of risk. As those issues emerge inside a community, we team up with NSW Police Force through the youth command. We make sure that we start to identify and connect kids through schools—or through the NSW Police Force if incidents and issues have arisen—to some of those more targeted programs. Mr Sakis, you might want to talk a little bit more about some of those. I know that you have worked closely with youth command on those. The youth action management program et cetera are some examples of that.

**Mr SAKIS:** As you are probably aware, we can manage and put some good support in place for students from 8.30 a.m. to 3.15 p.m. That is where, I suppose, you engage. Ms O'Brien talked about customised support

but some of the support when they do a lot of one on one support is through the local Police and Community Youth [PCYC] club. They run programs like the Fit For Life program, which looks after their wellbeing, and the Fit 2 Learn program, which re-engages students with the Department of Education and the Fit For Work program for the elder students, where we look at getting them into some sort of work life and some good training around that. There is a lot of onsite support but also we look at a lot of offsite one on one support, whether through youth case managers, the PCYC or the [inaudible] at school [inaudible] police officers.

**The CHAIR:** One final question and then I will go to other Committee members. From what I am hearing, are those programs only on request or are there more generic programs that happen within the school year?

**Ms O'BRIEN:** The programs are both. Some programs are more reactive. Where we receive an incident report where a young person has been involved in perhaps a violent incident of some description or there have been a series of issues and concerns that are arising, we will refer them. We have a monthly meeting with youth command, where we sit down and we look at the students who are on our radar and whether it is suitable for them to be aligned and go into some of the programs of support, what that might look like and start the working relationship for that.

We also have broader educational programs. I think that we have a range of around 18 different areas of resources and programs that are proactively going out in schools, predominantly in high schools. Although we are currently talking to youth command to look at a transition and an introduction into that program in years five and six in primary schools. Those programs are very much about raising awareness, connecting with kids, getting them to understand the risks and the issues that are out there in the broader community and knowing where to go and what to do if they come across any of those issues and what the risks are if they become engaged or involved with some of those more criminal elements of those programs. That is raising awareness around things like gang activity, drug abuse, substance abuse, where to go for assistance with mental health and wellbeing—a whole raft of different areas that are really important for young people to get some objective information about. Those programs are targeted at years seven to ten primarily.

**The CHAIR:** And in primary school?

**Ms O'BRIEN:** There is no designed program for primary school. It is an area that we are working on with youth command to run a bit of a trial at the moment around whether starting to engage and introduce police officers perhaps in year five and particularly in year six in a more engaging way, whether that will assist with some of the students who would be transitioning into year seven who perhaps have some challenging behaviours. We could use those relationships that are formed in the later years of primary school as a foundation for us to be able to provide that support from local police in relation to years seven and eight as a bit of a prevention and support program moving forward. That is some of the work that we are looking at at the moment to see whether we could get a program of that nature off the ground and to evaluate whether that has a positive effect.

**Mr SAKIS:** And also in the primary school setting the principal would reach out to the youth liaison officer, who works from the local area command [LAC]. They would work with the youth liaison officer, who looks after the primary school setting, on any emerging issues that they identify.

**Mr EDMOND ATALLA:** I have been listening with interest and I thank you both for your submissions today. I have been listening with interest about the programs in schools working with the police closely in relation to specifically targeted programs for vulnerable kids. I am interested in the broader programs that you have just mentioned. I heard you say that these broader programs are about risks and raising awareness and so forth, but is there a program that is rolled out in schools where the police engage with the students in the classes to instil the culture of respect for law enforcement? I am thinking at the primary school age. Is there such a program in place?

**Ms O'BRIEN:** I would need to look more broadly at a whole-of-system level. No, there is nothing that specifically targets that, although what we do is in the early primary years, of course, there is lots of introduction to the emergency services, the role that they play and all of those sorts of really foundational learning opportunities with very young kids in primary schools. I think schools absolutely involve their local services and really engage the kids. I know many schools take them out to things like the fire stations and all sorts of things to make kids aware and build those relationships.

I am sure on a general level inside the school environment there is a lot of that activity that does occur in primary school. Whether there is a particularly targeted and tailored program to teach kids how to respect law enforcement, I would suggest not. I think it does come down to those engagement programs, the way in which we embrace the need for us to connect with all of the emergency services within our community and more broadly around that whole global citizenship approach that is established throughout all of the years of learning inside schools would be where that hinges.

**Mr EDMOND ATALLA:** Do you believe there is value if such a program existed, where at, say, years 5 and 6 a culture of respect and the role of police and all of that is rolled into the programs so that kids, as they approach high school, would have this culture of respect for law enforcement? If you think there is value in it, how could we pursue that through the Department of Education?

**Ms O'BRIEN:** I think we would need to think carefully about what that would look like. I am not sure that we can just sort of roll a program and tell children that they need to respect. What we know about young people is that it is our relationships that we build and establish as much as what we teach them that actually creates that culture that you are referring to. Do I think there is value in actually engaging and spending some thought around how we could get young people, particularly in those primary years, to have a strong foundation of respecting our emergency services people, in particular law enforcement? Yes, I think there is absolute value in that, of course, however, I would think that we would need to think carefully about an appropriate way of going about that because I am not sure just sort of rolling out a targeted program would necessarily be the best approach.

**Mr SAKIS:** Part of that transition process is to build relationships and rapport with the local school liaison police officer. In saying that, part of it is, as Ms O'Brien mentioned, about rapport and relationships, so that is why we are trying to run these programs, to have these students know who the police officer is that looks after them locally, and build that positive engagement and trust with the local police.

**Mr EDMOND ATALLA:** Is it optional for schools to engage with the local school liaison officer or is it mandatory for every school? Is it up to the school or does the Department of Education enforce this to make sure that every school does engage?

**Ms O'BRIEN:** It is not mandatory by means that there is no governance around us knowing how many times and when and where these have been happening inside the schools. It is a little bit more complex than that from the point of view that there are only I think—Mr Sakis correct me if I am wrong—40 school police liaison officers across 3,000 schools, so as you can probably appreciate there is a priority around what those police officers do, how they spend their time and in which schools. There are all different types and sizes of schools, and different geographic issues across the State. Of course, we are only one sector. The public school sector has over 2,200 schools, but we are also sharing those resources with the non-government sectors as well.

Do schools adopt and take up the opportunity? I would suggest in high schools, absolutely. Our experience is that there is no real resistance that we have ever come across in relation to wanting to leverage off those programs, those supports and those relationships. Our understanding and our experience, and we work in this space very closely, is that it is a very strong commitment to being able to work with New South Wales police in that respect. The primary schools, of course, is a much larger cohort and there is no real dedicated program on a school-by-school basis for that, hence why we are exploring those issues this year with youth command.

**Mr EDMOND ATALLA:** Would you know what percentage of schools engage with the school liaison officers?

**Ms O'BRIEN:** No, we do not actually hold any data in relation to that. I am not sure if New South Wales police would have any data in relation to that either.

**Mr EDMOND ATALLA:** So we do not know because you have indicated that there are 40-plus liaison officers to service 300-plus schools—

**Ms O'BRIEN:** Three thousand.

**Mr EDMOND ATALLA:** Sorry, 3,000 schools. I am just wondering what percentage of schools actually miss out on having a school liaison officer? I suppose, Chair, we can have that as a question to the NSW Police Force.

**The CHAIR:** Indeed.

**Mr EDMOND ATALLA:** With the schools that do engage with liaison officers or run programs with the New South Wales police, do you as a department get feedback as to the success of those programs?

**Ms O'BRIEN:** Yes. We meet monthly with the youth command. Any of the students that are running under the programs that the department has established and set up with youth command to support young people, we have monthly meetings where we monitor progress and outcomes in relation to how those students are tracking. They do not get closed off until we are confident and comfortable that the student has got the right supports in place and that they are back in the school or perhaps in the workplace in some instances where we may reconnect and re-engage them within the community or through a TAFE. We do not close those cases off until we are confident that things are travelling well and then we do periodic monitoring over those. There are a range of other programs that the police run where they do target and work directly with schools. They hold the information and

meet—again I think they are monthly through their youth action management meeting—with the local community representatives on the students that are engaging in those youth action management programs.

**Ms STEPH COOKE:** In my experience as the Member for Cootamundra, which is a very large rural electorate in New South Wales, I have witnessed and read about a lot of positive interactions between the local police stations, and their command more broadly, and our local schools. My experience is purely from a rural perspective. Do you have any views on whether it is done better in rural New South Wales or in metropolitan? As a department, do you share learnings about what is working in different parts of New South Wales?

**Ms O'BRIEN:** I think the short answer to that is the experience is very much based on the level of engagement with the local area police. There are some amazing programs and great relationships that are established between schools and local police in a large number of places across the State. However, there is some amazing work being done inside metropolitan areas as well as in country New South Wales. My personal view based on the meetings that we have, the incidents that we see and the discussions that we have with colleagues across the department is that it is very much situation based. That is something that we again have high on our radar when we are working with New South Wales police to look at what is happening in those areas and how we can support continuous improvement and the continuous building of a relationship in any of the areas where we have seen perhaps an increase in incidents or concerns with that local community or perhaps there is a lack of engagement from the local school or from local police.

Mr Sakis can talk about this more as he spends quite a bit of his time actually working with the local police to be able to establish and build those relationships and better connect them with schools. We also have a program that we run inside the department which is our Safeguarding Kids Together program. That actually has a key focus area around community engagement and social cohesion. We actually have dedicated people working with connecting schools with all of the local services including New South Wales police to really start to build and strengthen those relationships. That program has only been running for the last 12 or so months. That is very much one of our strong focus areas to keep those relationships moving in the right direction.

**Ms STEPH COOKE:** Thank you. Mr Sakis, did you want to add anything?

**Mr SAKIS:** Yes, I will add to that. There is no doubt when we talk about regional/remote we are still working through that. And there is, like you said, a great working relationship with local police and on the back of that we make sure that school liaison police are involved. I am the first to hear if there are any issues either way whether a principal rings me or the local police ring me to say, "Look, we need extra engagement in this area". We facilitate it. We are fortunate. I am fortunate and the Department is fortunate that we have a good working relationship. We make a couple of phone calls and we can resolve an issue quite quickly. We are in a good place. We are always talking regularly with each command to make it better. Sometimes in regional/remote areas the closest police officer is 200 kilometres away. That is always challenging but we are always talking and briefing each other up and making sure that the best possible service both from the department and the police for the young students and all students involved that they are supported.

**Ms STEPH COOKE:** Thank you.

**The CHAIR:** Thank you so much for your attendance today. It is very much appreciated. We may send you some further questions in writing and your replies will form part of your evidence and be made public. Would you be happy to provide written replies to any further questions we may have?

**Ms O'BRIEN:** No problem at all.

**Ms ROBINSON:** Yes.

**The CHAIR:** Thank you for your time and I am sorry that we were delayed in getting to you.

**Ms O'BRIEN:** No problem at all. Have a good afternoon.

**The CHAIR:** Thanks very much.

**(The witnesses withdrew.)**

**DANIELLE MATSUO**, Director State-wide Programs, Corrective Services NSW, affirmed and examined

**The CHAIR:** I welcome to the inquiry Danielle Matsuo from Corrective Services NSW. Before we start, do you have any questions about the hearing process?

**Ms MATSUO:** I do not believe so.

**The CHAIR:** Would you like to make a short opening statement before we begin the questions?

**Ms MATSUO:** No.

**The CHAIR:** Again, thank you for your attendance. Are there any programs specifically designed for offenders who have been convicted of assaulting police officers?

**Ms MATSUO:** No, there are not.

**Mr MARK TAYLOR:** I am assuming there are anger management programs and anti-violence programs, if I can call them that?

**Ms MATSUO:** Yes, there are. The programs that we deliver in Corrective Services NSW for aggression and violence are assorted. We have very intensive programs. Our violent offenders therapeutic program is an intensive program that runs for eight to 10 months. We have lower level programs, one of which is called EQUIPS. The EQUIPS aggression program is a program that runs for about 10 weeks. All of these programs address risk factors around violent behaviour and aggressive behaviour. However, they are not specific to the nature of the violence with respect to the first question and the nature of the victims of the violence. They are open to people who have committed any kind of violent offence. All of our programs have an eligibility and suitability criteria which needs to be met in order for participants to attend those programs. Our remit within Corrective Services NSW with respect to reducing reoffending is based on evidence around what works to actually affect that kind of behaviour change.

The evidence is international. It comes from all sorts of research that has been done around the world that suggests that the best approach to reducing reoffending is what we call the Risk, Needs and Responsivity [RNR] model, which means we target at the highest risk offenders i.e. the ones who are most likely to reoffend. We address their specific needs which are those risk factors that we know are empirically related to increased risk of violence. Be it sex offending, drug use, terrorism, all of our programs address those issues. And then responsivity is about how we deliver the programs, so for those who have learning difficulties or are from other cultural backgrounds we tailor programs in kind for those participants to get the most out of those programs that they can.

What this means though is that if someone does not meet the criteria around risk in particular given that our remit is to focus on the higher risk offenders, there are people in the system who are not eligible for those programs at all. I can give you an example. Sometimes within our system obviously people come into custody for quite serious offences but if they have no history of other offending, if they have had a reasonably stable lifestyle, if they were employed, if they were in a relationship and had no significant issues around that and an offence has occurred as a one-off offence, a person like that is not likely to come up as a high-risk offender on our risk assessment tools, which means that they will not be eligible for our programs. On the other hand, a person who has accumulated a history of juvenile misconduct, drug and alcohol issues, problems with schooling, no employment, no stable relationships, all of those sorts of things, is a person who is likely to come up as high-risk on our risk assessment tools and would be eligible for our programs.

**Mr MARK TAYLOR:** Some of the data that we have been given in relation to offences of assaulting police indicate that those offenders are slightly older than 25- to 35-year-olds, rather than 20- to 25-year-olds. Obviously I understand that there is 10 years in one gap and six in the other, but does that relate to your experience of violence or would you say that it is more the young offenders who are violent? I know it is a pretty broad statement. If I said to you that the offenders who assault police are older than the early twenties, would you say that that is a bit strange? Do you know what I mean?

**Ms MATSUO:** I would not say that it necessarily fits with my experience.

**Mr MARK TAYLOR:** It would not fit with your experience.

**Ms MATSUO:** No, but generally speaking, and this is a very broad statement, in terms of why crime in general occurs and what we call the "age-crime curve", it certainly is the case that men, in particular, notwithstanding the fact that women also perpetrate this kind of behaviour, are more likely when they are younger, more impulsive, have less structure, to commit what I would consider to be quite an impulsive offence. Any

offence of expressive violence tends to be driven by either emotion or impulse. Again in my experience, generally those offenders who have come from the backgrounds that I described before—where there has been juvenile misconduct, they are generally coming from dysfunctional homes, they generally have a pretty poor view of authority anyway—are more likely to be the ones that then are expressing that towards any authority figure, whether it is a teacher, a parent, a police officer or anyone in authority.

**The CHAIR:** Ms Cooke?

**Ms STEPH COOKE:** Do you consider the programs that you have outlined today to be effective?

**Ms MATSUO:** We do have some evidence that the programs that we run in Corrective Services NSW are effective. Our VOTP—our Violent Offenders Therapeutic Program—was evaluated by BOCSAR a couple of years ago, two years ago. Generally the results that they found were that the program had an impact on general reoffending—so not necessarily serious violent reoffending but general reoffending—and that because of things like sample sizes and some of the methodological issues the trends were in the right direction for an impact on violent recidivism. So we take that as a positive. Our program that we run, the EQUIPS aggression program, has not in and of itself been evaluated. However, all of our programs are based on, as I said, the international evidence around what works to reduce reoffending. They are things like cognitive behavioural therapy, which is a type of psychological therapy that has been shown in large-scale meta analyses to actually have an effect on reduction in recidivism over many different sorts of behaviour—not just violence, but also, as I said before, sex offending, drug offending, those sorts of things, so, yes.

**Ms STEPH COOKE:** A further question on that: For the programs that have not yet been evaluated, is there an intention to evaluate them? Is it simply the case that they have not been going long enough?

**Ms MATSUO:** Yes. Certainly at the moment with our Premier's Priorities to reduce return to custody and also to reduce domestic violence offending, all of the programs that we run within those suites are part of an evaluation framework, so if they have not been evaluated already they will be. We will also be tracking obviously, as part of the Premier's Priorities, how we measure towards the target of that reduction of 5 per cent reoffending by 2023. So all our efforts are really going towards ensuring that the programs are effective and that we are actually able to meet the target.

**The CHAIR:** Mr Atalla, do you have any questions?

**Mr EDMOND ATALLA:** Yes, Chair. Thank you very much for participating in this inquiry. I want to follow up a question the Chair asked, which was whether you have any specific programs for offenders who assault police officers. You indicated that you do not. You get to see the offenders at the tail end, which means they have already offended, so any programs after that would be for the reoffending. Do you see any value in specifically targeting those offenders who assault police officers to ensure that reoffending is being minimised or eliminated from those programs? Do you see value in including that in the programs you just mentioned?

**Ms MATSUO:** Certainly. Just to unpack a little bit about what occurs in the programs that we do already run: As I mentioned before, anti-authority or just generally antisocial attitudes are a big predictor of recidivism, regardless of the nature of the victim. We know or the evidence suggests that violent offenders are quite diverse. So it is potentially the case that with those higher risk violent offenders, they are not necessarily just going to be committing assaults against police, they are also going to be committing assaults against a multitude of different victims. And so the intent of the programs then is, I guess, to address those broad risk factors against the antisociality, anti-authority attitudes and all of those things. If someone were to come into our program and the only victim that they had perpetrated against was a police officer, then they would be treated, I guess, in the same way that we would treat other offenders who have offended against different victims.

I think there is value though in the respect that those anti-authority attitudes—and I guess I am taking your point around the fact that we see them after the fact and after the behaviour has occurred—do tend to formulate at a reasonably young age. So I think that anything that we can do to intervene earlier, whether it is in schools or just education, around our ability to have young people see that the police are not necessarily a threat or not necessarily a negative force and promote their positive relationships around that, would definitely be of value. Because at some level, once they are with us, as you say, they have accumulated a long history of developing those attitudes which are extremely ingrained. And so for us to be able to shift them is really important.

**Mr EDMOND ATALLA:** Do you believe there is more value in doing such programs in the juvenile justice system whilst they are under-age?

**Ms MATSUO:** I definitely think there is value in that, yes. One of the other things that the evidence tells us about that age-crime curve as well is that there is a certain group of offenders, which the literature actually calls "adolescent-limited" offenders, which means that they will go through that period of disruption. As I said

before, they are impulsive, they have no real structure but they reach a certain age where things in their lives naturally change in the sense that they are moving towards desisting from crime. They might get a job, they might have a stable relationship and all of those things. So I guess imparting some of that work around the antisocial attitudes or anti-authority attitudes while they are still young is definitely very, very valuable in that respect.

**Mr EDMOND ATALLA:** Yes, that is my view. We heard earlier in this inquiry from a number of universities like Macquarie University and so forth. They spoke about their psychology courses and criminology courses, criminal profiling and so forth. Does Corrective Services engage with the universities in relation to understanding the offenders, the psychology of the offenders and how to put in place programs that may assist as a result? Is there any engagement between Corrective Services and the universities?

**Ms MATSUO:** We do have engagement with the universities but in my view I think more importantly we have engagement with other jurisdictions, other corrections organisations across Australia and around the world. My background is as a forensic psychologist. We have a large group of psychologists within our own organisation that are involved in obviously researching and looking at what is best practice in those respects. Any new evidence of research that is coming out of universities, for example, or anywhere in the world, we are always keeping our eye on that and trying to apply it where we can. But I would not say we have a direct relationship with any specific university, I guess, to answer your initial question.

**Mr EDMOND ATALLA:** Thanks, Chair. I have no further questions.

**Ms TAMARA SMITH:** Thank you, Ms Matsuo. I am fascinated that you have a forensic psychology background. I really only have one question because you have covered a lot. You are saying "any authority figure". I find that really interesting that you are seeing or your workforce is seeing a type of offender that is anti-establishment or anti-authority. Would it be fair to say that it may not be specifically anti-police? You mentioned teachers? Is that true that you see that kind of offender in some of your high-risk?

**Ms MATSUO:** Yes.

**Ms TAMARA SMITH:** So if you had all the money in the world, because I really heard you talking about early intervention. One of my pet obsessions is that particularly for Aboriginal young people—I was a teacher for 21 years—between year 1 and year 2 in terms of learning, if that gap is there it never closes up and it is so linked to the prison system. There is almost an equation there. Do you find that a lot of people serving sentences have literacy or learning difficulties? Are the same types of offenders that you see that exhibit anti-authoritarian attitudes, stuck in a permanent kind of adolescent state, is there any relationship between that and literacy levels, learning ability and those sorts of things? I guess socio-economic as well but I am kind of throwing a whole lot there.

**Ms MATSUO:** Sure. I could not answer that from a data or real evidence point of view, to be honest with you. We certainly have a proportion of our offenders who do have learning difficulties, some with intellectual disabilities like confirmed cognitive impairments. But in terms of the actual number and that relationship between the ones that have those anti-authority attitudes and the learning difficulties, I could not actually confirm or deny.

**Ms TAMARA SMITH:** Probably a very wise answer. I guess I am just really interested that where I have gotten to after two days of hearings is that it may not be assaults on police, that it may be some part of this anti-authority behaviour and how we can address that in the early years. You mentioned that those attitudes start quite young—you said that they were entrenched.

**Ms MATSUO:** Yes, absolutely. In terms of the evidence around risk it is wide. The attitudes are the biggest predictor because they tend to be the things that people—we also, to go even a step further, call them core beliefs. They are things that people form in terms of their world view from a very young age. When it comes to the way violent offenders think, what the evidence shows us at this stage is that they often have developed what we call cognitive biases and one is hostile attribution bias, which means that they perceive things differently to people who are not violent. I am mentioning this because it is definitely linked with respect to the authorities. Their perception is that someone standing there who is wearing a uniform automatically makes them then think that there is something threatening about that person potentially.

It does not have to be, as I said before, necessarily a police officer. It is anyone. Obviously it is Corrective Services officers. It is all of those people. So what we do in our programs is obviously try to get them to shift that bias to understand that just because someone is wearing a uniform it does not mean that their intent is hostile. But if you consider that for that individual those thoughts are quite automatic, it means that they have started from a very young age and they become almost like habit for them with respect to the way they think and perceive the world. Touching on the question you asked previously, our experience is that a lot of these offenders have had negative experiences in school and so they see teachers as hostile or negative figures which then just accumulates, as I said before, with the next authority figure that comes into their life and the next one and the next one.

**Ms TAMARA SMITH:** Thank you so much. Very interesting.

**Mr MARK TAYLOR:** Can I just unpack that a little bit? We have violent offenders. Some of them in prison would be a one-off domestic murder and they really do not have a history of violence up until that point. Some would be terrorism offenders who have done it through an attitudinal reason.

**Ms MATSUO:** Yes.

**Mr MARK TAYLOR:** So then we have this large group of what we could call violent offenders. You are of the belief that they are young in age in the sense of the whole general population, in that lower bracket. I think you used the term "quite diverse" in their violence. Colloquially does that mean they might hit their mate at the pub, they might assault their spouse in a domestic situation or they might assault police, so they go across the spectrum?

**Ms MATSUO:** Yes.

**Mr MARK TAYLOR:** Would that be the norm, if I could use that?

**Ms MATSUO:** Yes. Generally the research evidence shows us that violence does not occur in a vacuum.

**Mr MARK TAYLOR:** It goes across a spectrum.

**Ms MATSUO:** Yes. There usually is not just one scenario. If you think about where I have explained what those risk factors are and the fact that attitudes are a big part of it, it is the fact that a situation can trigger an event but it is then the way the person thinks about that event or the situation that leads to their actions. It is even unlikely—and we certainly have seen in some of the research that is emerging around domestic violence—that the violence of many domestic violence offenders is not occurring in a vacuum either. It is one of the types of violence where it can, because their attitudes are specifically, for example, about women, if it is a male perpetrator. However, for the majority it tends to be that those attitudes are actually influencing lots of different situations.

**Mr MARK TAYLOR:** In colloquial terms, they may also assault the person down at the pub as much as a person in their domestic situation because they have that propensity.

**Ms MATSUO:** Yes, that is an excellent choice of words. Propensity is what we would call it.

**Mr MARK TAYLOR:** With that propensity, you were just talking about it being triggered by a negative view. We talked about authority figures. Is there any research or is it fair to say that it is actually more of a negative view rather than an authoritarian view? Do you see where I am coming from? Do you see it is triggered by the authority role? What I am trying to get at is really saying that violent offenders are just violent. It does not matter whether it is police officers, Corrective Services officers, teachers or nurses, they are just people who will lash out. We have a violence problem, not a respect for authority problem. What is your understanding of the research around that or what is your experience?

**Ms MATSUO:** Again, this comes back to people's worldview. We understand from a psychological point of view that these attitudes, whether they are habits that form in terms of behaviour—as an example, with violence, one of the reasons that someone who is violent continues to be violent is because once they have tried it and it actually works for them in terms of solving a problem or affecting an outcome that they want, then it reinforces that behaviour. Again, that is a purely psychological principle of negative and positive reinforcement. They will continue to do it. If you put it in that perspective, if someone who has generally antisocial or negative attitudes, who has used violence and it has worked for them, then they will continue to use it in any scenario where it is going to assist them to get the outcome that they want.

The larger proportion of violent offenders would fall into that category. I think there are some violent offenders who very specifically have an anti-authority attitude. However, as I said at the start, that does not necessarily mean that that will result in the assault of police. It could be any authority figure. Again, it comes back to the strength of the attitude, which is based on the experience. As I have said, however that attitude is formed, it is usually because they have had a negative experience in the past with authority.

**Mr MARK TAYLOR:** Some of the data we have had says there is not necessarily a lot of repeat offenders who assault police. It is a broader group.

**Ms MATSUO:** Yes, that would fit with my thinking. This is purely anecdotal but in my 20-something years with Corrective Services I have certainly never met someone who has specifically gone out of their way to just keep assaulting police. It is just not the norm.

**Mr MARK TAYLOR:** It would be a very small group of people.

**Ms MATSUO:** Yes, a very, very small proportion.

**The CHAIR:** Can I just ask one question? In regards to policing community programs and school programs, what is the most effective age to get them to be more effective in changing those attitudes?

**Ms MATSUO:** I hesitate to answer this because this is really not my area of expertise in terms of child development or child psychology. What I can say from a broad psychological perspective though is that we know that—and this is interesting in light of what was mentioned before—generally speaking our personalities form by about the age of seven. So seven is the age when if you have had very early dysfunctional life experiences before that age it does tend to impact. Given that you were talking about year one or two, that does resonate with me in that respect. There is quite a bit of research evidence to suggest that. I cannot speak specifically around what the research shows in terms of changing attitudes at that age though.

**The CHAIR:** Thank you so much. That was very beneficial. Thank you for your time. It was much appreciated.

**Ms MATSUO:** Thank you very much.

**The CHAIR:** We may send you some further questions in writing. Your replies will form part of your evidence and be made public. Would you be happy to provide written responses to any further questions?

**Ms MATSUO:** Yes, not a problem.

**The CHAIR:** Thank you so much and thank you for your time. That concludes our public hearing for today. I thank all the witnesses who appeared. I also thank Committee members, Hansard, the staff of the Department of Parliamentary Services and Committee staff for their assistance.

**(The witness withdrew.)**

**The Committee adjourned at 13:45.**