

## Chapter 3 Who is involved in assaults on public officers?

### 3.1 Demographic profile of people sentenced for serious assault

#### Section summary

- Serious assaults of public officers were most commonly committed by men (66.6%) and by non-Indigenous people (61.7%), with an average age of 28.8 years.
- Aboriginal and Torres Strait Islander peoples were overrepresented for the offence of serious assault of a public officer, with men being sentenced at a rate 16 times greater than their non-Indigenous counterparts, and women being sentenced at a rate 12 times greater than non-Indigenous women.
- The rate of overrepresentation of Aboriginal and Torres Strait Islander peoples has been decreasing in recent years for these offences.

#### 3.1.1 Gender

Males comprised the majority of offenders sentenced for the serious assault of a public officer, regardless of the category of serious assault. Overall, two-thirds of sentenced offenders were male (66.6%). The proportion of female offenders was highest at 36.4 per cent for the serious assault of a public officer (s 340(2AA)) and was the lowest at 16.0 per cent for the serious assault of a corrective services officer – see Table 3-1.

**Table 3-1: Gender of offenders sentenced for serious assault of a public officer**

Section	Offence	Total (n)	Female (%)	Male (%)
340(1)(b)	Serious assault – police officer	5,191	30.3	69.7
340(1)(c)/(d)	Serious assault – performing/performed duty	220	26.4	73.2
340(2)	Serious assault – corrective services officer	213	16.0	84.0
340(2AA)	Serious assault – public officer	775	36.4	63.6
<b>Total</b>	<b>All serious assault of public officer offences</b>	<b>6,399</b>	<b>30.4</b>	<b>66.6</b>

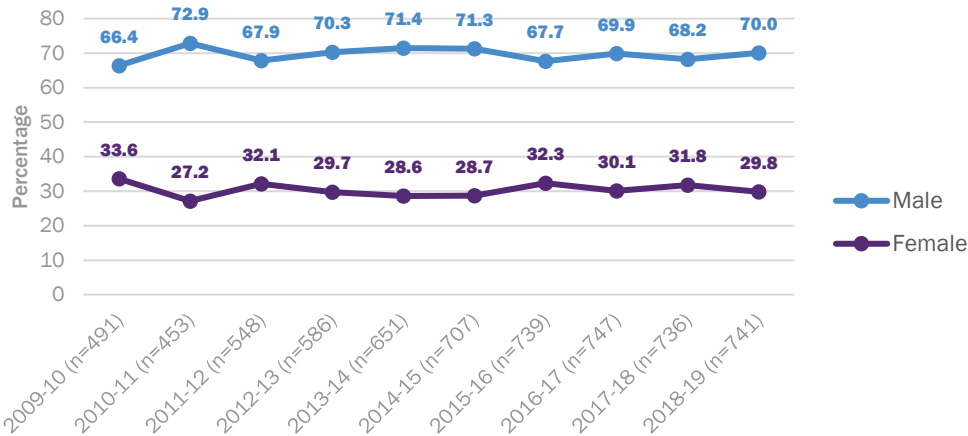
Data include adult and juvenile offenders, higher and lower courts, MSO sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Notes: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

Over the 10-year data period, there was no change in the gender of offenders being sentenced for section 340 serious assault of a public officer. Each year the proportion of male offenders was approximately double that of female offenders. The proportion of female offenders peaked in 2009–10 at 33.6 per cent of offenders sentenced for serious assault.

**Figure 3-1: Gender of offenders sentenced for serious assault of a public officer, over time**



Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

### 3.1.2 Aboriginal and Torres Strait Islander status

Almost two-thirds of people sentenced for the serious assault of a public officer were non-Indigenous (61.7%). This finding was consistent across all types of serious assault – see Table 3-2. The proportion of Aboriginal and Torres Strait Islander offenders was lowest at 37.3 per cent for the serious assault of public officer performing/performed a duty (s 340(1)(c)/(d)), and highest at 39.9 per cent for serious of corrective services officer – although, overall, there was little difference between the different types of serious assault.

**Table 3-2: Aboriginal and Torres Strait Islander status of people sentenced for serious assault of a public officer**

Section	Offence	Total (n)	Aboriginal and Torres Strait Islander (%)	Non-Indigenous (%)
340(1)(b)	Serious assault – police officer	5,191	37.6	61.8
340(1)(c)/(d)	Serious assault – performing/performed duty	220	37.3	62.3
340(2)	Serious assault – corrective services officer	213	39.9	59.6
340(2AA)	Serious assault – public officer	775	38.8	60.9
<b>Total</b>	<b>All serious assault of public officer offences</b>	<b>6,399</b>	<b>37.8</b>	<b>61.7</b>

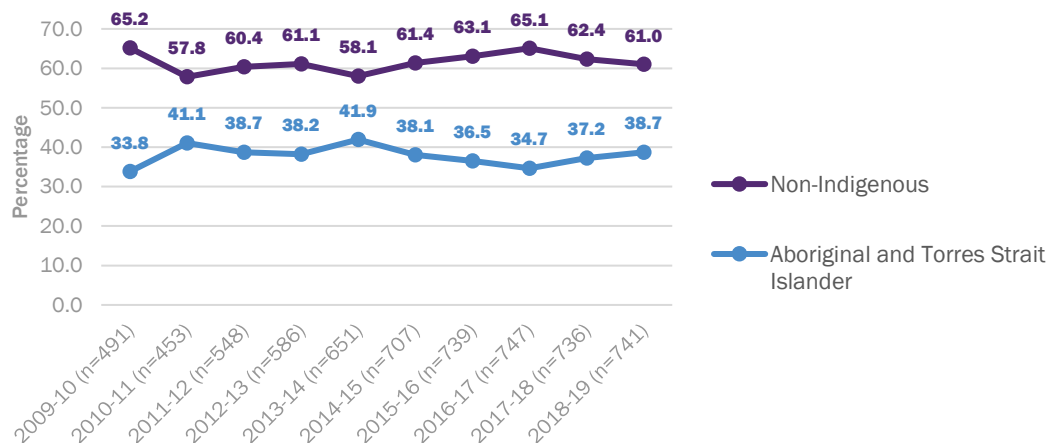
Data include adult and juvenile offenders, higher and lower courts, MSO sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore, the percentages may not total 100%.

Over the 10-year data period, there was little fluctuation in the Aboriginal and Torres Strait Islander status of offenders sentenced for serious assault of a public officer, with the majority of offenders being non-Indigenous. The proportion of Aboriginal and Torres Strait Islander offenders was lowest in 2009–10 at 33.8 per cent, peaking at 41.9 per cent in 2013–14 – see Figure 3-2.

**Figure 3-2: Aboriginal and Torres Strait Islander status of offenders sentenced for serious assault of a public officer, over time**



Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

### 3.1.3 Gender and Aboriginal and Torres Strait Islander status

Overall, non-Indigenous males make up the largest proportion of offenders sentenced for assault of a public officer, accounting for close to half (43.5%) – see Table 3-3. Aboriginal and Torres Strait Islander males comprised just over one-quarter of sentenced offenders (25.8%) while Aboriginal and Torres Strait Islander females made up the smallest number of offenders.

**Table 3-3: Serious assaults of a public officer by gender and Aboriginal and Torres Strait Islander status**

Section	Type of serious assault	Total (n)	Aboriginal and Torres Strait Islander		Non-Indigenous	
			Female (%)	Male (%)	Female (%)	Male (%)
340(1)(b)	Police officer	5,191	12.1	25.5	18.0	43.9
340(1)(c)/(d)	Performing/performed duty	220	8.6	28.6	17.7	44.1
340(2)	Corrective services officer	213	7.5	32.4	8.5	51.2
340(2AA)	Public officer	775	13.9	24.9	22.3	38.6
<b>Total</b>	<b>All serious assault of public officer</b>	<b>6,399</b>	<b>12.0</b>	<b>25.8</b>	<b>18.2</b>	<b>43.5</b>

Data include adult and juvenile offenders, higher and lower courts, MSO sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

### 3.1.4 Age

Overall, the average age at offence for offenders sentenced for serious assault (of a public officer) was 28.8 years. The youngest offender was aged 10.7 years while the oldest was 71.0 years. By offence, there were small differences in the average age at offence, with those sentenced for serious assault of a public officer performing/performed a duty being slightly younger at 27.6 years and those sentenced for assault of a public officer being slightly older at 31.3 years – see Table 3-4.

**Table 3-4: Average age at offence by type of serious assault**

Section	Offence	Total (n)	Average age (years)
340(1)(b)	Serious assault – police officer	5,191	28.5
340(1)(c)/(d)	Serious assault – performing/performed duty	220	27.6
340(2)	Serious assault – corrective services officer	213	28.6
340(2AA)	Serious assault – public officer	775	31.3
<b>Total</b>	<b>All serious assault of public officer offences</b>	<b>6,399</b>	<b>28.8</b>

Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Considering gender and Aboriginal and Torres Strait Islander status in conjunction, Aboriginal and Torres Strait Islander peoples sentenced for serious assault (of a public officer) were slightly younger than their non-Indigenous counterparts (27.0 years compared with 29.2 years for females and 27.4 years compared with 30.0 years for males) – see Figure 3-3. However, it is important to note that the average age of the Aboriginal and Torres Strait Islander population is younger in comparison to the non-Indigenous population in Queensland – for more details on this, see the Australian Bureau of Statistics, *Estimates of Aboriginal and Torres Strait Islander Australians*, cat. no. 3238.0.55.001.

**Figure 3-3: Average age (at offence) of offenders sentenced for serious assault of a public officer by gender and Aboriginal and Torres Strait Islander status**

Average age:	Male	Female
Aboriginal and Torres Strait Islander	<b>27.4</b>	<b>27.0</b>
Non-Indigenous	<b>30.0</b>	<b>29.2</b>

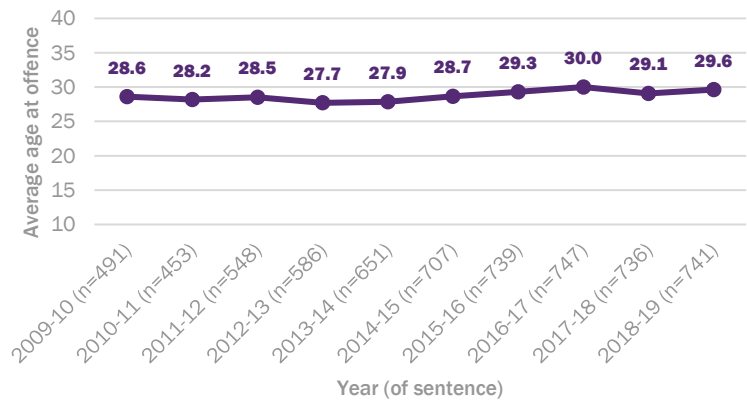
Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c) and 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Cases where gender and/or Indigenous status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%.

There was little change in the average age of offenders sentenced for serious assault over the 10-year period, increasing slightly from 28.6 years in 2009–10 to 29.6 years in 2018–19 – see Figure 3-4. The youngest average age was 27.7 years in 2012–13 and the oldest was in 2016–17 at 30.0 years.

**Figure 3-4: Average age (at offence) of offenders sentenced for serious assault of a public officer, over time**



Data include adult and juvenile offenders, MSO, higher and lower courts, ss 340(1)(b), 340(1)(c), 340(1)(d), 340(2), and 340(2AA), sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

### 3.1.5 Overrepresentation of demographic groups by estimated resident population

This section explores the overrepresentation of demographic groups by expressing the number of sentenced serious assault cases as a rate over the estimated residence population (ERP) of each group. While Aboriginal and Torres Strait Islander peoples comprise approximately 4.6 per cent of the Queensland population,<sup>1</sup> they are overrepresented across the criminal justice system, especially in respect of offences involving the assault of public officers.

Table 3-5 shows the rate of sentenced offences per 1,000 ERP for various types of offending in 2015–16. The table compares the rate of overrepresentation for all sentenced offences across the criminal justice system, and then narrows its focus to acts intended to cause injury, and finally provides offending rates for serious assaults.

Across all sentenced cases in the criminal justice system, 150 Aboriginal and Torres Strait Islander men per 1,000 ERP were sentenced for an offence in a Queensland court. This was four times the rate of non-Indigenous men, who were sentenced at a rate of 37.1 men per 1,000 ERP. For serious assault of a public officer, Aboriginal and Torres Strait Islander men offended at a rate of 3.3 per 1,000 ERP – this is 16 times higher than the rate for non-Indigenous men at 0.2 men per 1,000.

As explored earlier in this chapter, Aboriginal and Torres Strait Islander women made up the smallest number of sentenced serious assault cases (12.0% of cases, see Table 3-3). However, when expressed as a rate of the population, Aboriginal and Torres Strait Islander women were the second most overrepresented demographic in Queensland, following Aboriginal and Torres Strait Islander men. Table 3-5 shows that 70.1 Aboriginal and Torres Strait Islander women per 1,000 were sentenced for an offence in the criminal justice system – six times higher than the rate of 11.6 for non-Indigenous women. For the offence of serious assault of a public officer, Aboriginal and Torres Strait Islander women were sentenced at a rate of 1.2 women per 1,000 – a rate that is 12 times higher than that of non-Indigenous women at 0.1 per 1,000.

**Table 3-5: Rate of offending per 1,000 estimated resident population in 2016**

Offence category	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
All sentenced offences	70.1	150.0	11.6	37.1
Acts intended to cause injury offences	8.5	21.3	0.5	2.1
s 340 serious assault offences	1.4	3.8	0.1	0.3
s 340 serious assault against a public officer*	1.2	3.3	0.1	0.2

Data include unique offenders (adult and juvenile), higher and lower courts, offences occurring in 2015–16.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Estimated resident population figures were retrieved from ABS Cat No. 3101.0 Table 53 and are for the estimated number of Queenslanders aged 10 or older by gender and Aboriginal and Torres Strait Islander status as at June 2016. Shown as a rate per 1,000 Estimated Resident Population.

Note: (\*) ss 340 (1)(b), (1)(c), (1)(d), (2), and (2AA)

<sup>1</sup> As at 30 June 2016. For population estimates of Aboriginal and Torres Strait Islander peoples in Queensland, see Queensland Government Statistician's Office, Population estimates and projections, *Aboriginal and Torres Strait Islander Queenslanders* (11 July 2019) available at <<https://www.qgso.qld.gov.au/statistics/theme/population/aboriginal-peoples-torres-strait-islander-peoples/population-estimates-projections>>.

For serious assaults of corrective services officers by prisoners, a different rate needs to be calculated to provide more accurate findings. For these offences, the rate must be calculated from the prison population, which is markedly different from the composition of the general population in Queensland. Figure 3-5 below illustrates the differences between the general population of Queensland and its prison population.

Male offenders comprise the vast majority of people in Queensland’s prisons. While Aboriginal and Torres Strait Islander men only comprise approximately 2.0 per cent of the Queensland population (aged 10 years or over), they comprise over 29.2 per cent of the prison population.

Aboriginal and Torres Strait Islander women are also overrepresented in the prison population – while they comprise approximately 2.0 per cent of the Queensland population, they are 3.5 per cent of the prison population. Non-Indigenous women are the only demographic group that is underrepresented in the prison population – making up 48.9 per cent of the overall Queensland population, non-Indigenous women only comprise 6.2 per cent of the prison population.

**Figure 3-5: Differences between the general Queensland population and the prison population**



Data include population figures as at 30 June 2019, for people aged 10 years or older.  
 Source: Estimated resident population figures retrieved from ABS Cat No. 3101.0 Table 53, and Cat No. 3238.0 Table 3 and are for the estimated number of Queenslanders aged 10 or older as at June 2019.  
 Prison population retrieved from ABS Cat No. 4517.0 *Prisoners in Australia 2019*, Table 21 as at 30 June 2019.  
 Note: The proportion of male and female Aboriginal and Torres Strait Islander peoples in the general population was estimated by dividing the total estimate of Aboriginal and Torres Strait Islander peoples in half.

Table 3-6 shows the number of assaults of corrective services officers as a rate per 1,000 of the prison population. It includes serious assaults under section 340(2) as well as assaults and obstructions under section 124(b) of the *Corrective Services Act 2006*. The data include cases from 2012–13 to 2018–19, as breakdowns by gender and Aboriginal and Torres Strait Islander status were only available from the Australian Bureau of Statistics from 2012–13 onwards.

Aboriginal and Torres Strait Islander women had the highest rate of offending against corrective services officers, with a rate of 12.7 women per 1,000 in the adult prison population – this was twice the rate of Aboriginal and Torres Strait Islander men, who assaulted corrected services officers at a rate of 6.5 men per 1,000 of the adult prison population. Non-Indigenous women also had a higher rate of assaulting corrective services officers compared with non-Indigenous men (8.6 women per 1,000, compared with 4.6 men per 1,000).

Aboriginal and Torres Strait Islander offenders generally had higher rates of assault of corrective services officers compared with their non-Indigenous counterparts. For men, Aboriginal and Torres Strait Islanders assaulted corrective services officers at a rate of 6.5 per 1,000, compared with 4.6 per 1,000 for non-Indigenous men.

**Table 3-6: Rate of serious assault of corrective services officer offences by prison population per 1,000**

Offence category	Aboriginal and Torres Strait Islander		Non-Indigenous	
	Female	Male	Female	Male
Assaults of corrective services officer	12.7	6.5	8.6	4.6

Data include unique adult offenders, higher and lower courts, sentenced for s 340(2) or s 124(b), offence occurring on or after 1 July 2012, sentenced between 2012–13 and 2018–19.

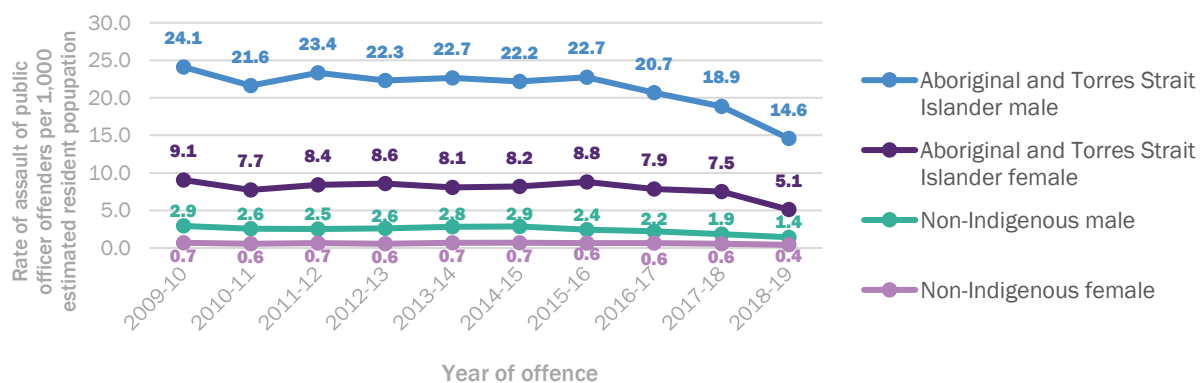
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Prison population as at 30 June 2013 to 30 June 2019 retrieved from ABS Cat No. 4517.0 Prisoners in Australia, 2013 to 2019, Table 20, 21, or 22. (Indigenous status by gender only available from 2012–13 onwards.)

Figure 3-6 shows the rate of people who assaulted a public officer (excluding corrective services officers) per 1,000 estimated resident population over the 10-year data period.

Overall, the rate of serious assaults of public officers has decreased for all demographic groups. The largest decrease was for Aboriginal and Torres Strait Islander men, falling from a rate of 24.1 men per 1,000 population in 2009–10, to a low of 14.6 men per 1,000 in 2018–19.

The figure also shows that Aboriginal and Torres Strait Islander men were the most overrepresented demographic for the serious assault of public officers (excluding corrective services officers) over the data period. The second most overrepresented group was Aboriginal and Torres Strait Islander women – each year between 5 and 10 Aboriginal and Torres Strait Islander women per 1,000 estimated resident population were sentenced for the serious assault of a public officer.

**Figure 3-6: Rate of serious assault of public officer\* per 1,000 estimated resident population**



Data include unique offender count, adult and juvenile offenders, higher and lower courts, offence occurring on or after 1 July 2009, presented by financial year of offence, sentenced between 2009–10 and 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019. Estimated resident population aged 10 or over as at 30 June each year retrieved from ABS Cat No. 3238.0 Table 3 (assumed 50% male and female based on census data) and Cat No. 3101.0 Table 53 (non-Indigenous population estimated by Queensland ERP (aged over 10) minus Indigenous population ERP).

Note: (\*) 'Public officer' includes ss 340(1)(b), (1)(c), (1)(d) and (2AA), and 790.



As outlined in Chapter 1, the Council observed the marked overrepresentation of Aboriginal and Torres Strait Islander peoples and women in the preparation of the Issues Paper and undertook some additional work to understand what might be driving this particular level of overrepresentation. This work comprised three elements:

1. Additional targeted consultation with key stakeholders, including the Council's Aboriginal and Torres Strait Islander Advisory Panel
2. An expert report from an Aboriginal and Torres Strait Islander academic
3. Analysis of sentencing remarks to understand the circumstances and broader context of these assault events, to determine whether there are different circumstances involved for different demographic groups.

Consultation with key stakeholders elicited a number of important themes that helped contextualise these demographic findings.

The following themes have been noted by the Council:

- The Aboriginal and Torres Strait Islander Advisory Panel provided advice arising from their own consultation with professional and personal networks. They spoke about the experience of being an Aboriginal and Torres Strait Islander in ordinary circumstances in public spaces. One member spoke about his personal experience of being stopped by police where he lived while he was out for a run, for no apparent reason. He felt he had come to the attention of police because he was a black man in a white, wealthy neighbourhood and he was running (and therefore suspicious). In these circumstances, where Aboriginal and Torres Strait Islanders are faced with a situation where they are confronted by a public officer such as a police officer, the historical relationships between them and authority figures leads to a 'fight or flight' reaction, whereby the immediate response is to either 'get out of there', or to react protectively and defensively.
- Key stakeholders at a roundtable meeting on 22 June 2020 raised several relevant issues, one of which was the question of whether women were overrepresented due to escalating behaviour in the context of a domestic violence callout by police. Another issue related to the poor management of mental health and lack of diversion and early intervention options for people experiencing critical mental health problems. If relevant interventions were available, these individuals would not end up in custody (and often, these people end up in solitary confinement and in conflict with corrective services officers). A third issue raised by the group was the chronic and fundamental levels of disadvantage experienced by Aboriginal and Torres Strait Islander peoples, which is demonstrated in there being little or no improvements in the national Closing the Gap targets.
- An expert report received by the Council in July 2020, written by Associate Professor Chelsea Bond, Dr David Singh and Helena Kajlich from the School of Social Science at The University of Queensland, provides an interpretation of the overrepresentation issue by using Critical Race Theory<sup>2</sup> as a means of interrogating a series of case studies from media articles and in coronial reports of Aboriginal and Torres Strait Islander peoples who have been involved in interactions with public officers. The report outlines the racialisation of Aboriginal and Torres Strait Islander peoples as a risk or threat to public good and emphasises the need to understand the violent historical context of the relationship between Aboriginal and Torres Strait Islander people and authority figures that has accompanied land dispossession. The report comments: 'community memory connects the violence of the frontier to contemporary violence of the front line'. (The authors acknowledge that the views expressed in their report are their own and not necessarily those of the Council.)
- The sentencing remarks analysis is presented in the next chapter of this report.

These are important themes to understand when thinking about the demographic patterns outlined in this chapter. It is particularly important to consider this in the context of the Black Lives Matter movement, which emerged across the world in the wake of the death of George Floyd at the hands of police in the United States in May 2020 – the period when interactions between public officers and members of the community were being considered by the Council.

The overrepresentation of Aboriginal and Torres Strait Islander peoples is not limited to the types of offending examined in this report.<sup>3</sup> In 2017, the Australian Law Reform Commission published its *Pathways to Justice* report

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<sup>2</sup> Critical race theory is described in the expert report as follows: 'Critical race theory grew out of a movement in the US law where questions were asked of the very foundations of the liberal political order, including notions of equality, legal reasoning, Enlightenment rationalism and the supposed neutrality of the law. Race, racism and power are central to these questions. Leading CRT scholar David Theo Goldberg, in exploring the nature of the state, law and race, argues that hierarchical understandings of race and the development of the modern state are aligned.'

<sup>3</sup> See Queensland Sentencing Advisory Council, *Community-based Sentencing Orders, Imprisonment and Parole Options* (Final Report, July 2019) 54–55 [4.5].

– the most recent major study into the issue of overrepresentation in the criminal justice sector.<sup>4</sup> The report noted that Aboriginal and Torres Strait Islander peoples ‘may be more likely to end up in prison for the same offence’ compared with their non-Indigenous counterparts.<sup>5</sup>

The Council acknowledges the devastating continuing impacts of colonisation experienced by the Aboriginal and Torres Strait Islander community, and the intergenerational trauma that has been inherited by modern Indigenous Australia. These themes form an important backdrop to the work on this review, and the Council is undertaking further work outside of this reference to contribute to a broader understanding of Indigeneity and sentencing. This will be informed by the important work undertaken as part of this review.

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<sup>4</sup> Australian Law Reform Commission, *Pathways to Justice – An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report* (Report No. 133, 2017).

<sup>5</sup> *Ibid* 230 [7.4], citing Australian Bureau of Statistics, *Corrective Services, Australia, June Quarter 2017*, Cat No. 4512.0 (2017) Table 19.

## 3.2 Who are the victims of assaults on public officers?

### Section summary

- Police officers were the most common victim of serious assault of a public officer, followed by paramedics, detention centre staff, and corrective services officers.
- A 'public officer' under sections 340(2AA), (1)(c) and (1)(d) involved a wide range of professions including paramedics, detention centre workers, medical/hospital workers, security guards, watch-house officers, transport officers, and child safety officers.
- Young people were most likely to assault a detention centre worker or education worker, whereas adults were most likely to assault a paramedic or medical worker.
- Spitting was most common in situations where the victim was a transport officer or security guard.
- Sentenced assaults of detention centre workers have increased considerably over the 10-year period.

This section of the report explores who the victims of serious assault are and seeks to uncover the occupations of victims who have been classified as a 'public officer'. To provide a high-level overview, Table 3-7 provides a breakdown of all victims of serious assault of a public officer. This includes police officers under section 340(1)(b) and corrective services officers under section 340(2), in addition to the more ambiguous categories of public officers under sections 340(1)(c), (1)(d) and (2AA). Overall, across all serious assaults of a public officer from 2009–10 to 2018–19, the vast majority of victims were police officers (78.5%), distantly followed by paramedics (5.4%).

**Table 3-7: Overview of the occupation of victims of serious assaults**

Victim occupation	Frequency	Percentage
Police	8,886	78.5
Paramedic	612	5.4
Detention centre worker	442	3.9
Corrective services officer	420	3.7
Medical/hospital worker (excluding security)	377	3.3
Security guard	219	1.9
Watch-house officer	130	1.1
Transport officer (excluding security)	62	0.5
Child safety officer	46	0.4
Compliance officer	31	0.3
Education	28*	0.2
Carer	16*	0.1
Unknown	16*	0.1
Staff at licensed premises (excluding security)	14*	0.1
Firefighter/fire investigator	10*	0.1
Other government role	8*	0.1
Youth worker	7*	0.1
<b>TOTAL</b>	<b>11,324</b>	<b>100</b>

Data include lower and higher courts, adult and juvenile offenders, cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury — Courts Database, extracted November 2019, QGIS and the QPS.

Notes: Count is by charge (i.e. victim) — therefore the victim may not be unique; victims entered as 'prison officer' or 'correctional officer' or under section s 340(2) where the offender was sentenced as a child have been coded as 'detention centre worker'.

(\*) Small sample size

### 3.2.1 Victims recorded in the court process

The remainder of this section will focus on serious assaults of a public officer under section 340(2AA), as well as serious assaults of a person performing, or who has performed, a duty at law under sections 340(1)(c) and 340(1)(d). For details on the methodology and data used, please refer to Appendix 3.

Paramedics were the most common victims of serious assault of a public officer under section 340(2AA); the second most common victim occupation was a medical/hospital worker – see Table 3-8. The serious assault of a person who is performing, or has performed, a duty at law under section 340(1)(c)/(d) has somewhat different victims, with detention centre workers, security guards, and police officers among the most frequent occupations.

The occupation of victims who were assaulted by young offenders was markedly different from the victims who were assaulted by adults. Unsurprisingly, young offenders most commonly assaulted detention centre workers. Over the 10-year data period, 28 education workers were sentenced under these provisions – the majority of these assaults (82.1%, n=23) were committed by young people. Adult offenders most commonly assaulted paramedics, medical staff, security guards, compliance officers and police officers.

**Table 3-8: Victim occupations, by type of serious assault and whether the offender was an adult**

Victim type	TOTAL	340(2AA) Public officer	340(1)(c)/(d) Duty at law	Adult offenders	Young offenders
Victim occupation	N	%	%	%	%
Paramedic	612	95.1	4.9	90.0	10.0
Detention centre worker	422	72.8	27.3	5.2	94.8
Medical/hospital worker (excluding security)	377	93.4	6.6	91.8	8.2
Security guard	219	64.4	35.6	90.0	10.1
Police officer	150	59.3	40.7	90.0	10.0
Watch house officer	130	69.2	30.8	91.5	8.5
Transport officer (excluding security)	62	83.9	16.1	64.5	35.5
Child safety officer	46	93.5	6.5	69.6	30.4
Compliance officer	31	71.0	29.0	100.0	0.0
Education worker	28	71.4	28.6	17.9	82.1
Corrective services officer	18*	-	-	-	-
Carer	16*	-	-	-	-
Unknown	16*	-	-	-	-
Staff at licensed premises (excluding security)	14*	-	-	-	-
Firefighter/fire investigator	10*	-	-	-	-
Other government role (state or federal)	8*	-	-	-	-
Youth worker	7*	-	-	-	-
<b>TOTAL</b>	<b>2,166</b>	<b>81.2</b>	<b>18.8</b>	<b>71.1</b>	<b>28.9</b>

Data include lower and higher courts, adult and juvenile offenders, cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes: Count is by charge (i.e. victim) – therefore the victim may not be unique; victims entered as ‘prison officer’ or ‘correctional officer’ where the offender was sentenced as a child have been coded as ‘detention centre worker’.

(\*) Small sample size

## Impact of the introduction of aggravating circumstances

From 5 September 2014, it became an aggravating circumstance to assault a public officer by biting, spitting, throwing or applying bodily fluid or faeces; causing bodily harm to a public officer; or, at the time of the assault, being or pretending to be armed. The aggravating circumstances carry a higher maximum penalty of 14 years' imprisonment for adult offenders and 7 years' detention for juvenile offenders. The maximum penalty for a non-aggravated serious assault committed by a child (but only if the child is before a higher court) is 3.5 years' detention. In the lower courts, a jurisdictional limit of one year's detention applies, for any offence, committed by a juvenile.<sup>6</sup>

There are differences in the occupation of victims based on the type of aggravating circumstance – see Table 3-9.

Serious assault with bodily fluid was more prevalent for some occupations. Two-thirds of serious assaults with transport officers as victims involved bodily fluid (66.7%), and only 20.0 per cent of serious assaults of transport officers did not involve any aggravating circumstances. Similarly, 44.1 per cent of serious assaults of a security guard involved bodily fluids and only one-third of assaults on security guards did not involve any aggravating circumstances (32.3%). Assaults involving bodily fluid were relatively high for detention centre staff (32.5%), medical/hospital staff (26.4%) and watch-house officers (24.1%).

Medical workers were the most likely to receive bodily harm, at a rate of nearly 1 in 5 (18.8%), closely followed by security guards (18.3%). Police officers were also more likely to receive bodily harm than other occupational groups, at 16.0 per cent.

Being armed was most common where the victim was a police officer or a transport officer (excluding security), with 1 in 10 (10.0%) assaults involving a weapon (where the case was sentenced as a public officer under section 340(2AA)).

**Table 3-9: Aggravating circumstances by victim occupation**

	TOTAL	Bodily fluid	Bodily harm	Armed	No aggravating circumstances
Victim occupation	N	%	%	%	%
Paramedic	375	16.8	10.4	5.1	68.5
Detention centre worker	269	32.5	4.8	9.3	53.5
Medical/hospital worker (excluding security)	261	26.4	18.8	3.1	54.4
Security guard	93	44.1	18.3	8.6	32.3
Watch-house officer	58	24.1	8.6	0	67.2
Police	50	22	16	10	58
Transport officer (excluding security)	30	66.7	6.7	10	20
Other	29	26.7	17.2	0	58.6
Compliance officer	18*	0	0	11.1	88.9
Corrective services officer	15*	20	13.3	0	73.3
Child safety officer	14*	7.1	14.3	7.1	71.4
<b>TOTAL</b>	<b>1,212</b>	<b>26.2</b>	<b>11.7</b>	<b>5.9</b>	<b>57.8</b>

Data include lower and higher courts, adult and juvenile offenders, offences occurring on or after 5 September 2014, cases sentenced from 2014–15 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes:

(1) Count is by charge (i.e. victim) – therefore the victim may not be unique; victims entered as 'prison officer' or 'correctional officer' where the offender was sentenced as a child have been coded as 'youth detention worker'.

(2) Small categories have been combined into 'other' due to sample size, includes firefighter/fire investigator, education, carer, youth worker, staff at licensed premises (excluding security), other government roles and unknown.

(\*) Small sample size

<sup>6</sup> See *Youth Justice Act 1992 (Qld)* s 176 regarding the 7-year maximum penalty – this can only be imposed by a judge, not a magistrate. See s 175 regarding the 3.5-year maximum regarding serious assault simpliciter offences (if the sentence is imposed by a judge) and 1-year maximum penalty available to magistrates generally. The differences in sentencing juvenile offenders are discussed in Chapter 6.

## Victim occupation by offender demographics

Non-Indigenous offenders are more prevalent across most victim occupation types, particularly male offenders. Although Aboriginal and Torres Islander offenders are less prevalent, they are overrepresented as they comprise 44.2 per cent of offenders for assault of a public officer (ss 340(1)(c), (1)(d), and (2AA)), yet make up only 3.8 per cent of Queensland's population aged 10 years and over.<sup>7</sup>

When the victim was a detention centre worker, Aboriginal and Torres Strait Islander males were the most common offender at 83.7 per cent. For paramedics, medical/hospital staff, security guards, police officers, and watch-house officers, non-Indigenous male offenders were most common. However non-Indigenous females were the offender in about one-quarter of assaults on paramedics, medical/hospital workers and security guards. Close to half of the child safety officers were assaulted by a non-Indigenous female (43.5%) with a further 19.6 per cent of assaults on child safety officers perpetrated by an Aboriginal and Torres Strait Islander female. Non-Indigenous females were by far the most likely to seriously assault a carer (62.5%). See Table 3-10.

For a complete picture of serious assaults of public officers, including police officers under section 340(1)(b) and corrective services officers under section 340(2), see Table A4-6 in Appendix 4.

**Table 3-10: Offender demographics by victim occupation**

Victim occupation	TOTAL	Aboriginal and Torres Strait Islander		Non-Indigenous	
		Female (%)	Male (%)	Female (%)	Male (%)
Paramedic	612	15.5	19	24.4	40.4
Detention centre worker	422	4	83.7	0.2	11.9
Medical/hospital worker (excluding security)	377	13.8	21.5	26	38.5
Security guard	219	7.3	16.9	24.2	50.7
Police officer	150	12.7	28.7	15.3	43.3
Watch-house officer	130	15.4	20	18.5	46.2
Transport officer (excluding security)	62	16.1	14.5	4.8	64.5
Child safety officer	46	19.6	8.7	43.5	28.3
Compliance officer	31	0	19.4	9.7	71
Education worker	28*	7.1	39.3	10.7	39.3
Corrective services officer	18*	5.6	33.3	5.6	55.6
Carer	16*	12.5	18.8	62.5	6.3
Unknown	16*	6.3	50	12.5	31.3
Staff at licensed premises (excluding security)	14*	7.1	21.4	21.4	50
Firefighter/fire investigator	10*	0	20	20	60
Other government role (state or federal)	8*	0	37.5	25	37.5
Youth worker	7*	0	28.6	14.3	57.1
<b>TOTAL</b>	<b>2,166</b>	<b>11.3</b>	<b>32.9</b>	<b>18.4</b>	<b>36.9</b>

Data include lower and higher courts, adult and juvenile offenders, ss 340(1)(c), s 340(1)(d), and (2AA), cases sentenced from 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes:

(1) Cases where gender and/or Aboriginal and Torres Strait Islander status was unknown have been included in the calculations but not presented; therefore the percentages may not total 100%;

(2) Count is by charge (i.e. victim) – therefore the victim may not be unique and if an offender had multiple victims the demographic of the offender will be counted more than once;

(3) Victims entered as 'prison officer' or 'correctional officer' or under section s 340(2) where the offender was sentenced as a child have been coded as 'detention centre worker'.

(\*) Small sample size

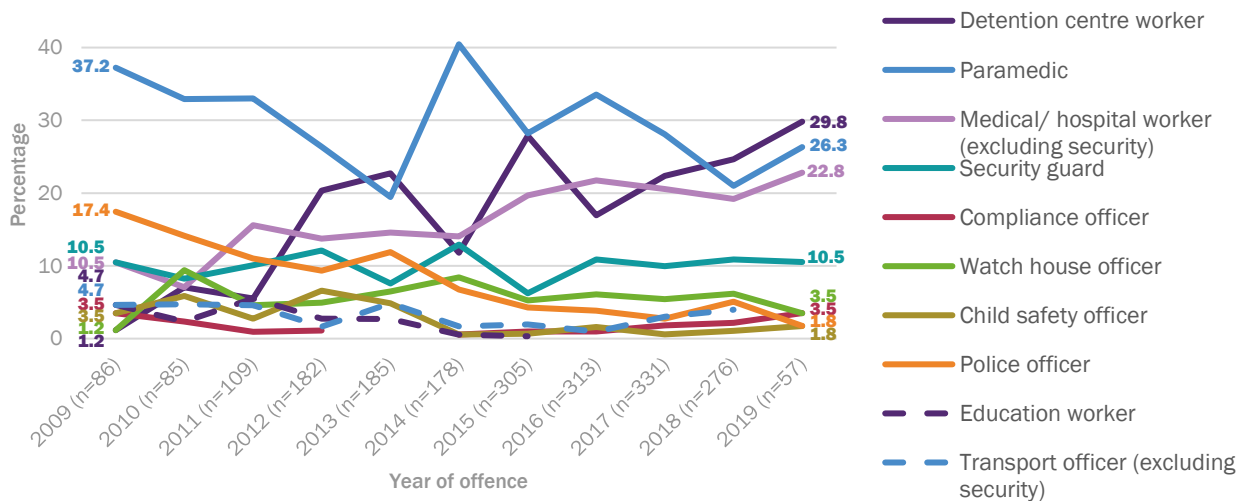
<sup>7</sup> As at 30 June 2015. See Queensland Government Statistician's Office, *Population Estimates by Indigenous Status, LGAs, 2001 to 2015*, available at <<http://www.qgso.qld.gov.au/subjects/demography/atsi-people/tables/pop-est-indigenous-status/index.php>> accessed 4 August 2017.

### Change in victim occupation over time

Figure 3-7 shows the proportion of victim occupations for serious assaults of a public officer (s 340(2AA), (1)(c), (1)(d)) over the past 10 years. Paramedics, detention centre workers, and medical/hospital workers remained in the top three over most of the data period. In 2019, detention centre workers comprised 29.8 per cent of cases, paramedics comprised 26.3 per cent, and medical/hospital workers comprised 22.8 per cent. Paramedics were consistently the most common type of public officer in most years, with detention centre workers taking the top spot in 2018 and 2019. Detention centre workers, on the other hand, comprised only 1.2 per cent of cases in 2009, and rose to the most common type of victim in 2009 at 29.9 per cent.

Security guards made up another type of occupation that was consistent over the data period, remaining relatively unchanged at 10.5 per cent of cases in 2009, and remaining at 10.5 per cent of cases in 2019.

**Figure 3-7: Occupational group of victims of serious assault, over time**



Data include lower and higher courts, adult and juvenile offenders, ss 340(2AA), 340(1(c)) and 340(1(d)), offences occurring from 2010 to 2018, sentenced 2009–10 to 2018–19.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019, QGIS and the QPS.

Notes:

(1) Count is by charge (i.e. victim) – therefore the victim may not be unique.

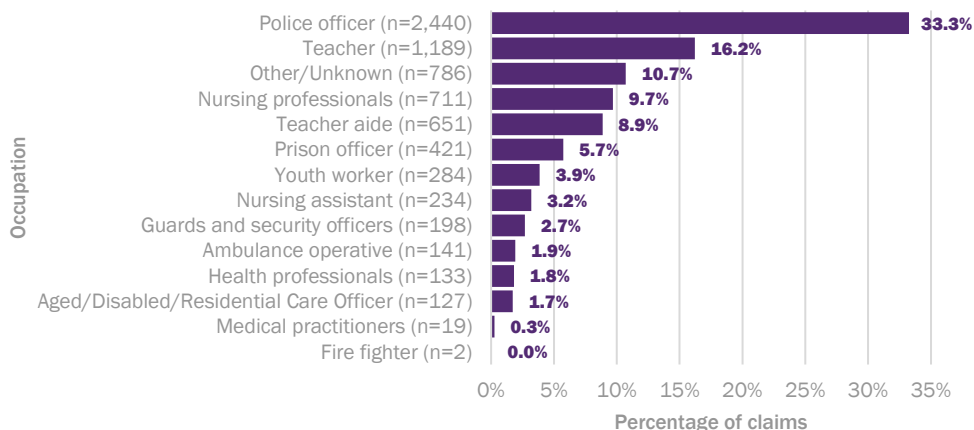
(2) Occupational groups where the total sample was less than 25 have been included in calculations but not presented.

### 3.2.2 Victims recorded in WorkCover claims

Data were obtained from WorkCover on all claims that were accepted due to the assault of a public officer. Details on the methodology used to extract this information are available in Appendix 3, and further analysis of WorkCover data is available at section 4.3 of this report.

WorkCover data show that one-third of the accepted assault-related claims were made by police officers (n=2,440, 33.3%). Collectively, those working in the police, education and medical sectors comprised three-quarters of accepted assault-related claims (75.2%) – see Figure 3-8.

**Figure 3-8: Proportion of assault-related claims by reported occupation type, 2014–15 to 2018–19**



Source: WorkCover Queensland – unpublished data, 2014–15 to 2018–19.

### 3.2.3 Repeat offenders and recidivist offenders

#### Section summary

- Serious assaults of corrective services officers were the most likely offence to result in repeat offending (i.e. a future charge of the same offence). The summary offence of assaulting or obstructing a police officer was similarly high.
- Assaults or obstructions of corrective services staff were the most likely offences to result in future violent offences, closely followed by serious assaults of a person who was performing or who had performed a duty at law.
- Aboriginal and Torres Strait Islander peoples had higher levels of recidivism, with a higher proportion of people committing repeat offences, as well as other violent offences.
- Men had higher levels of recidivism compared with women for offences involving the assault of a public officer; although these gendered differences were less pronounced, and in some cases reversed, for assaults that did not involve a public officer.

The Council identified the need to understand recidivism as part of its Terms of Reference, particularly to enable it to comment on which offences are associated with what levels and quantum of reoffending. Ultimately, all sentencing aims to prevent offenders from engaging in further criminal activity, to protect the community either through incapacitation (incarcerating individuals) or through rehabilitation so the causes of the offending are addressed and ideally removed.

In this section, the term ‘repeat offender’ is used to describe people who commit the same offence multiple times, while the term ‘reoffending’ or ‘recidivism’ is used to describe people who repeatedly commit offences of any type.

There are considerable challenges in measuring recidivism. For the purposes of the present exercise, the Council operationalised recidivism as any sentencing event that was followed by another sentencing event within two years of an offender’s expected release from custody. For more information on the application of this methodology, please see Appendix 3.

The darkest purple bars in Figure 3-9 (below) show the proportion of cases in which the offender reoffended. The lightest purple bars show the proportion of cases where the offender was a repeat offender – that is, where they reoffended by committing the same offence. The other bars show the proportion of cases in which the offender reoffended by committing a similar offence, either an act intended to cause injury, or assault of a public officer.



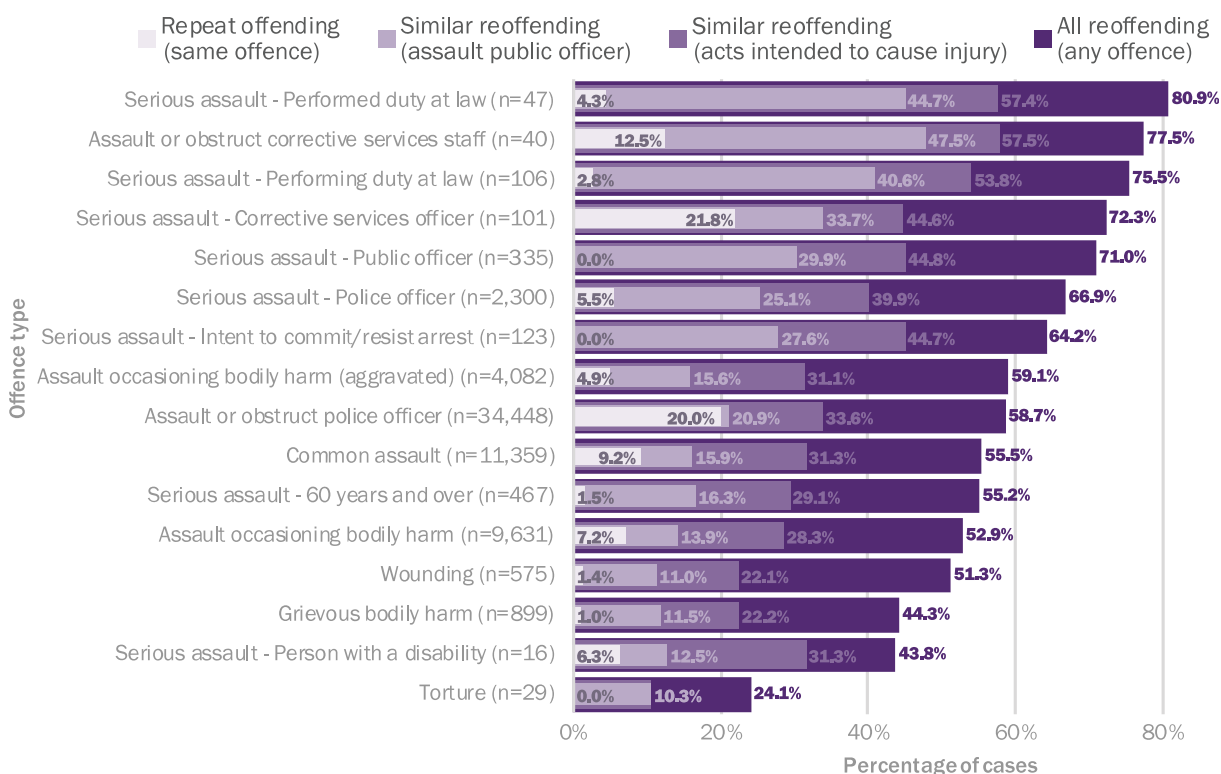
The serious assault of a person performing a duty at law under section 340(1)(c) of the *Criminal Code* had the highest rate of reoffending, with 80.9 per cent of cases followed by a new offence within two years. Similarly, cases involving the serious assault of a person who performed a duty at law under section 340(1)(d) of the *Criminal Code* also had high levels of reoffending at 75.5 per cent.

The assault or obstruction of a corrective services officer under section 124(b) of the CSA had the second-highest level of reoffending for all offences examined at 77.5 per cent. The serious assault of a corrective services officer under section 340(2) was also high at 72.3 per cent. These offences also saw a high rate of repeat offending; that is, one in five cases that involved the serious assault of a corrective services officer were followed by a subsequent serious assault of a corrective services officer (21.8%). The assault or obstruction of a corrective services officer also had relatively high levels of repeat offending, with 12.5 per cent of cases leading to a repeat offence.

The assault or obstruction of a police officer under section 790 of the PPRA had the second-highest percentage of repeat offending out of all the offences examined, with 20.0 per cent of cases followed by a repeat offence.

General types of assault, such as common assault, AOBH, GBH and wounding had lower rates of recidivism compared with serious assaults of a public officer. Of these offences, aggravated AOBH had the highest rate of reoffending at 59.1 per cent. Common assault was slightly lower at 55.5 per cent, and non-aggravated AOBH was slightly lower again at 52.9 per cent. The more serious offences of wounding and GBH had lower reoffending again at 51.3 per cent and 44.3 per cent, respectively.

**Figure 3-9: Percentage of cases that resulted in reoffending within two years of release, by type of offence**



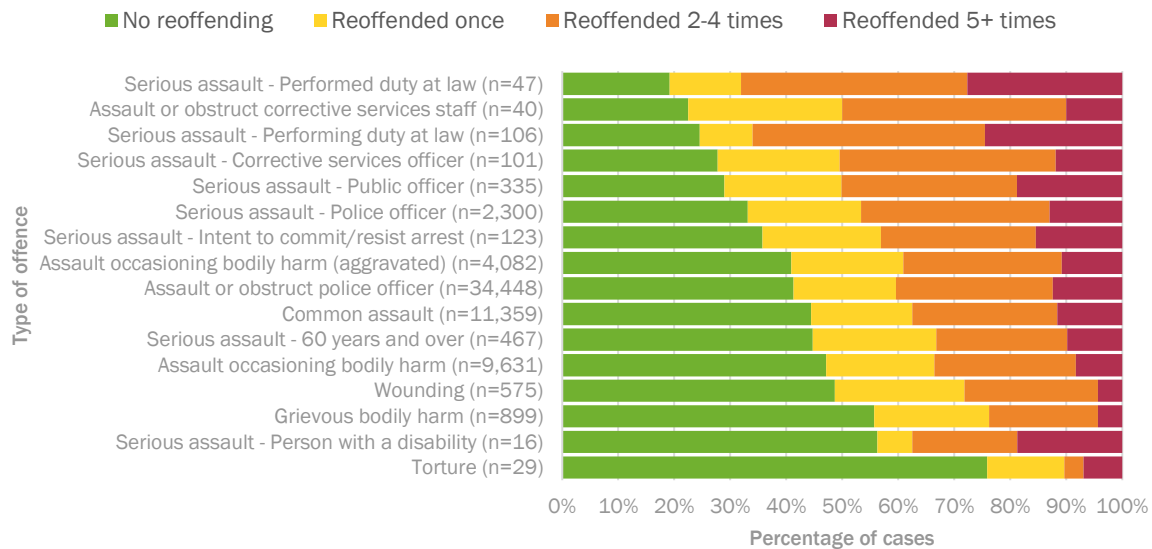
Data include adult and juvenile cases sentenced between 2010-11 and 2013-14 where reoffending occurred within two years of the offender's expected release from custody.

Source: QGSO, Queensland Treasury — Courts Database, extracted November 2019.

Figure 3-10 shows the number of occurrences of reoffending that followed the sentencing for each type of assault. The green bars illustrate the proportion of cases that had no reoffending. The yellow portion of the bar represents cases in which the offender reoffended once, and the orange represents cases where the offender was sentenced in up to four separate court events within two years of their release from custody from the initial offence. The red portion of the bar represents cases in which the offender reoffended and was sentenced five times or more. For the percentage values, see Table A4-5 in Appendix 4.

Cases involving the serious assault of a person who was performing or had performed a duty at law under section 340(1)(c) or (d) of the *Criminal Code* were not only the most likely to reoffend, but they reoffended more often. Over a third of offenders for these offences (40.4% and 40.0%, respectively) reoffended between two and four times, and a quarter of offenders reoffended five times or more (27.7% and 24.5%, respectively).

**Figure 3-10: Number of instances of reoffending, by type of offence**



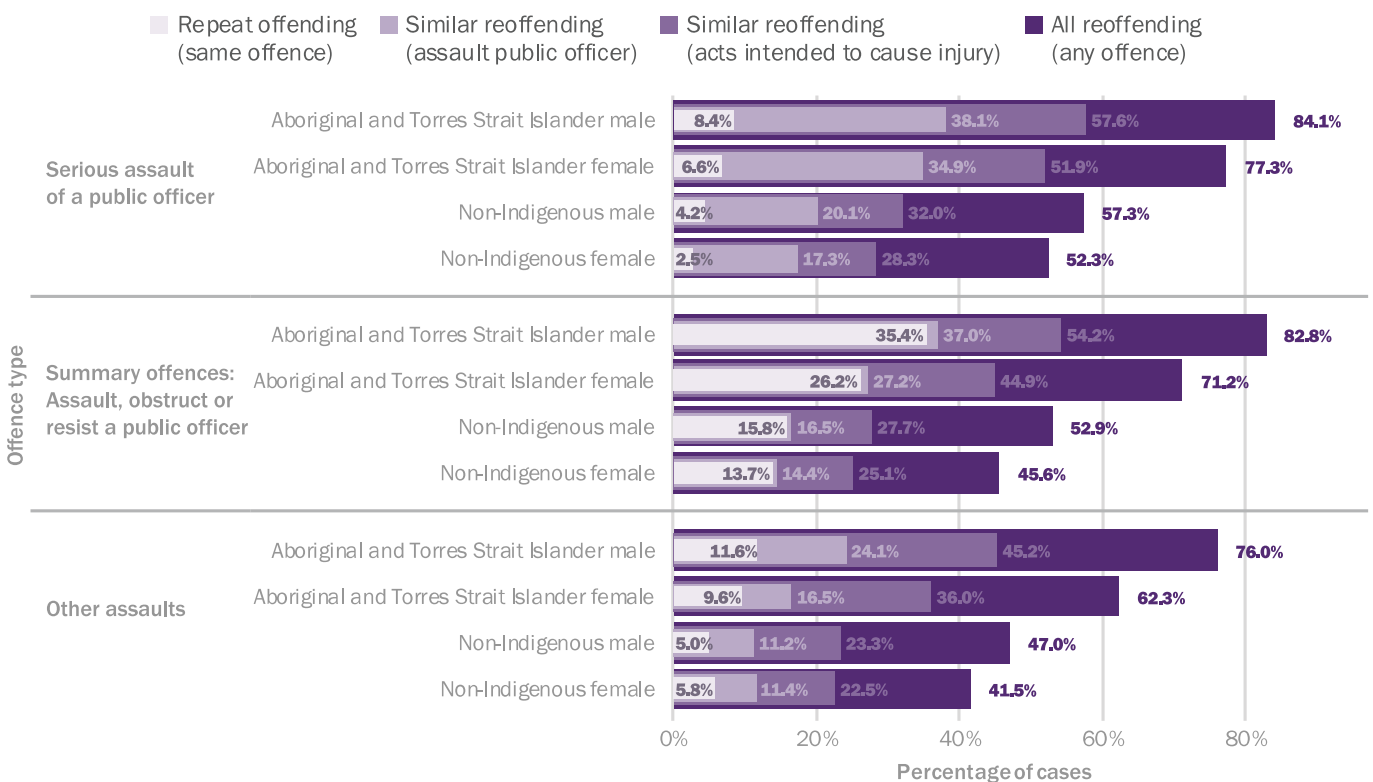
Data include adult and juvenile cases sentenced between 2010–11 and 2013–14 where reoffending occurred within two years of the offender’s expected release from custody.  
 Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

The percentage of cases that resulted in recidivism was different for various demographic groups – see Figure 3-11. Male offenders generally had higher levels of reoffending compared with female offenders, and Aboriginal and Torres Strait Islander offenders had higher levels of reoffending compared with non-Indigenous offenders.

Analysis of serious assaults of a public officer (including police officers, corrective services officers, people performing a duty at law, and other public officers) shows that Aboriginal and Torres Strait Islander males reoffend with another assault of a public officer in 38.1 per cent of cases, which is slightly higher than the 34.9 per cent of cases in which a female Aboriginal and Torres Strait Islander person reoffends by assaulting another public officer. The proportion of cases in which a non-Indigenous male reoffended by assaulting another public officer was lower, with one in five cases (20.1%) resulting in this type of recidivism. Non-Indigenous females reoffended in this way in 17.3 per cent of cases.

Figure 3-11 contains additional statistics on reoffending for summary offences involving the assault or obstruction of a public officer, and other assault-related offences (such as common assault, AOBH, or serious assault not involving a public officer).

**Figure 3-11: Percentage of cases that resulted in reoffending within two years of release, by demographics and type of offence**



Data include adult and juvenile cases sentenced between 2010–11 and 2013–14 where reoffending occurred within two years of the offender’s expected release from custody.

Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: The offence categories are comprised as follows:

- ‘Serious assault of a public officer’ includes s 340(1)(b) police officers, s 340(1)(c)–(d) performing/performed a duty at law, s 340(1)(2) corrective services officers, and s 340(2AA) public officers of the *Criminal Code*.
- ‘Summary offence’ includes the assault or obstruction of a police officer under s 790 of the PPRA, the assault or obstruction of a corrective services staff member under s 124(b) of the CSA and resisting public officers under s 199 of the *Criminal Code*.
- ‘Other assaults’ includes all offences classified as an ‘act intended to cause injury’ under the ANZSOC.