



JUSTICE BEHIND BARS

Date: 29 January 2020

Our Ref: HB

Queensland Sentencing Advisory Council  
C/- Council Secretariat

By email only: [REDACTED]

Dear Council Secretariat,

**Re: Review of penalties for assaults on police and other frontline emergency services workers, corrective service officers and other public officers**

We refer to the above and to the submissions of Sisters Inside dated 28 January 2020 which have been provided to the Secretariat. Prisoners' Legal Service (PLS) has reviewed Sisters Inside's submissions and support them in their entirety. In particular, PLS does not support an increase in the penalties or mandatory sentencing provisions for assaults on police and other frontline emergency services workers, corrective service officers and other public officers.

PLS is an independent community legal centre that provides legal advice and assistance to prisoners on matters relating to their incarceration, including parole, placement in solitary confinement and complaints about the prison system. PLS practices primarily in administrative law and does not represent prisoners with criminal law matters.

Our particular experience relevant to this review, involves correctional staff initiating use of force procedures against prisoners which often results in the prisoners being charged with assaults of corrective service officers. It is the experience of PLS that prisoners with disability are disproportionately charged with the offence of *Serious Assault of Corrective Services Officer*. PLS believes this is linked to the well-recognised problem associated with lack of diagnosis and recognition of disability in prison.<sup>1</sup>

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<sup>1</sup> See for example Eileen Baldry, 'Disability at the margins: limits of the law' (2014) 23(3) Griffith Law Review 370.

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A free service providing assistance to prisoners with parole applications, prison law matters and financial counselling



PLS respectfully acknowledges the Aboriginal and Torres Strait Islander peoples as the traditional owners and custodians of this land and acknowledges their Elders, past, present and emerging.

PLS has acted on behalf of prisoners in numerous cases where conflict has arisen due to correctional staff's lack of understanding of behaviours and/or the support needs of vulnerable people in prison with disability. This is particularly the case for prisoners with autism spectrum disorder and cognitive impairment. In many cases, this lack of understanding results in correctional staff adopting behavioural control methods which exacerbate minor issues and results in them using force against a prisoner. Many use of force incidents initiated by correctional staff could be avoided if more appropriate communication methods adopted when communicating with vulnerable people in prison. Use of force incidents can escalate quickly with force often being used by both parties and resulting in charges being laid against prisoners.

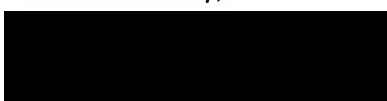
PLS has made a number of complaints to Queensland Corrective Services and the Crime and Corruption Commission (CCC) about unlawful or disproportionate use of force being used by correctional staff against prisoners. This have included cases where the prisoner has been charged with *Serious Assault of Corrective Services Officer* in relation to their conduct during the use of force incident. In all of our cases, the prisoners involved had a disability and the majority had spent extended periods of time in solitary confinement. PLS' concerns about this problem are outlined in our submission made to the CCC on 11 April 2018 in relation to the Taskforce Flaxton enquiry. A copy of this submission is **attached**.

PLS believes that any increase in sentences for assault of correctional staff will only compound the significant disadvantage that prisoners with disability already face in custody and further enmesh them in the criminal justice system. It would also fail to address the underlying cause of incidents resulting in assaults of corrective services officers.

We strongly endorse Sisters Inside's recommendation that relevant frontline workers who are the subject of the reviews should be provided with appropriate training to assist them in more constructive interactions with vulnerable persons. We consider this is more likely to reduce the likelihood of frontline staff being subject to acts of violence.

Thank you for your consideration of this submission.

Yours faithfully,

A black rectangular box redacting the signature of Helen Blaber.

**Helen Blaber**  
**Director/Principal Solicitor**  
**Prisoners' Legal Service**