

Chapter 4 What are the circumstances in which public officers are assaulted?

There are limited data sources available to explore the circumstances surrounding assaults on public officers. This chapter draws on a variety of sources to identify some of the factors that may contribute to assaults on public officers, helping to explain the context in which this offending occurs.

The information presented includes the findings of the literature review undertaken for the purposes of the reference by the Griffith Criminology Institute,¹ an analysis of key features of these offences drawn from a sample of sentencing remarks, and the WorkCover data that assisted the Council in identifying the type and extent of harm caused to victims. Court data were also analysed to obtain insights based on whether an offender was sentenced for other offences committed on the same day as the assault offence and, if so, the nature of these associated offences.

The chapter also presents high-level data on the offence of assault or obstruct a police officer under section 790 of the *Police Powers and Responsibilities Act 2000* (Qld) (PPRA) and aggravated forms of serious assault under section 340 of the *Criminal Code*. These data are presented to illustrate the types of conduct involved in these offences and, in the case of aggravated serious assault, trends in the number of people being sentenced for this offence over time.

4.1 Findings from the literature

The literature review conducted by the Griffith Criminology Institute for the purposes of this review examined current evidence about the causes, frequency and seriousness of assaults on public officers. It found that assaults on public officers are *more* likely in particular circumstances or conditions, such as:

- perpetrators involved in substance abuse, at least in the healthcare sector;
- perpetrators with poor mental health, across a number of sectors;
- perpetrators with a current or past history of violent behaviour;
- officers with less experience on the job;
- operational workplace characteristics, which may vary by sector (such as understaffing in the healthcare sector, and ticketing and timetabling issues in the public transit sector).

Detailed findings of this desktop review are set out in this report, which is available on the Council's website.

4.2 Analysis of sentencing remarks

Section summary

- The transcripts of a sample of 276 sentencing remarks involving serious assault cases sentenced in the higher courts (Supreme and District Courts, and Childrens Court of Queensland) were analysed.
- Many differences were found based on the gender and Aboriginal and Torres Strait Islander status of the offender.
- Spitting was more common for women, whereas physical assaults such as kicking, punching or pushing were more common for men.
- The majority of offenders were described as being 'uncooperative' or 'aggressive' while committing the offence.
- Assaults most commonly occurred while the offender was being arrested, restrained, or resisting the direction of a public officer.
- Half of the women and one-third of Aboriginal and Torres Strait Islander men were under the influence of drugs or alcohol.
- One-third of offenders had mental disorders – particularly non-Indigenous women.

Sentencing remarks provide an important record of what happened during the offence, the reasons for the judge's sentencing outcome, and anything relevant for future assessments of the offender. This analysis of sentencing remarks supplements the analysis of administrative data elsewhere in this report and provides additional insight into the circumstances of offending, relevant factors about the offender, including his or her background (e.g. poor

¹ Christine Bond et al, *Assaults on Public Officers: A Review of Research Evidence* (Griffith Criminology Institute for Queensland Sentencing Advisory Council, March 2020). It should be noted that the views contained in the literature review are those of the authors and not necessarily those of the Council.

health, substance abuse) and impact of the offence on the victim. This analysis explores the circumstances of offending for serious assaults against public officers, and whether differences exist based on the offender's gender or Aboriginal and Torres Strait Islander status.

4.2.1 Methodology

Sample selection

There were 1,421 relevant cases involving the serious assault of a public officer in the higher courts between 2009–10 and 2018–19.² A small number of cases that involved more than one type of serious assault offence were excluded from this analysis (n=46), bringing the total number of cases to 1,375. Table 4-1 shows the population sizes for each demographic category (i.e. female Aboriginal and Torres Strait Islander, male Aboriginal and Torres Strait Islander, female non-Indigenous and male non-Indigenous) by victim occupation (i.e. corrective services officer; public officer or officer performing a duty at law; and police officer).

Table 4-1: Population of relevant serious assault cases in the higher courts

| Type of victim | Aboriginal and Torres Strait Islander | | Non-Indigenous | | TOTAL |
|-----------------------------|---------------------------------------|------|----------------|------|--------------|
| | Female | Male | Female | Male | |
| Corrective services officer | 4 | 20 | 3 | 53 | 80 |
| Public officer* | 16 | 59 | 32 | 68 | 175 |
| Police officer | 126 | 304 | 153 | 537 | 1,120 |
| | | | | | 1,375 |

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

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

Note: (*) Includes offences under s 340(2AA) public officer, s 340(1)(c)/(d) performing/performed a duty at law.

Where the population (offence by demographics) was less than 30, all cases were included in the sampling frame. For all other populations a random sample was selected using a sample size that would result in a confidence level of 95 per cent and a confidence interval of 15 per cent.³ The table below shows the resulting sample sizes for each population. The sample was randomly selected, and the coding was performed by a team of five researchers. If the transcript of a sentencing remark was unavailable, or contained insufficient detail to be coded, it was replaced with another randomly selected case.

Table 4-2: Sampling for the sentencing remarks analysis

| Type of victim | Aboriginal and Torres Strait Islander | | Non-Indigenous | | TOTAL |
|-----------------------------|---------------------------------------|------|----------------|------|------------|
| | Female | Male | Female | Male | |
| Corrective services officer | 4 | 20 | 3 | 24 | 51 |
| Public officer* | 16 | 25 | 18 | 27 | 86 |
| Police officer | 32 | 38 | 34 | 40 | 144 |
| | | | | | 281 |

Notes: (1) Shaded cells are population sizes that were less than 30 and all cases were included in the sampling frame.

(*) Includes offences under s 340(2AA) public officer, s 340(1)(c)/(d) performing/performed a duty at law.

Five cases involving the serious assault of a corrective services officer were unable to be analysed due to insufficient details in the sentencing remarks, and additional cases were unable to be sampled as the entire population for these categories had already been included. Of these assaults, four were committed by Aboriginal and Torres Strait Islander men, and one was committed by an Aboriginal or Torres Strait Islander woman. In total, 276 cases were analysed.

Limitations

As with its previous work, the Council acknowledges the limitations associated with analysing sentencing remarks; most notably, that sentencing remarks do not contain a comprehensive list of factors taken into account by a sentencing judge. Factors were only coded when the judge specifically commented on the circumstances of the offending. Hence, for example, if the sentencing remarks do not mention that an offence was committed in a private residence, this does not necessarily mean that no offences were committed in private residences but simply that

² Sentencing transcripts are only available in cases within the higher courts.

³ A confidence level of 95 per cent refers to the probability that the findings were the result of random chance. A confidence interval of 15 per cent refers to the range of values within which the population parameter falls. In other words, based on the sampling methodology selected for this analysis, we are 95 per cent certain that the findings fall within 15 per cent of the values reported.

these circumstances of offending were not expressly mentioned during sentencing. Nevertheless, as part of a mixed-methods research design, sentencing remarks supplement purely data-driven analyses, providing a rich source of additional information on serious assaults of public officers.

Because most assaults on public officers are sentenced in the lower courts, the cases analysed may also not be representative of the nature of assaults, and the broader contexts in which these assaults occur.⁴

4.2.2 Findings

Victim occupation

More than half of the victims in the cases analysed were police officers (52.7%, n=148) – most of these were cases that involved the serious assault of a police officer under section 340(1)(b); however, a few cases were sentenced under the serious assault of a public officer under section 340(2AA) (n=4). Corrective services officers comprised 17.1% of victims (n=48), two of these cases were sentenced under the public officer offence.

Health workers made up 16.0 per cent of victims (n=45) and included doctors, nurses, paramedics, psychiatrists, psychologists and other hospital staff. A smaller proportion of the cases included: child safety officers, parking officers, security guards or officers, transit officers, watch-house officers, and youth detention workers.

These occupational patterns are similar to the analysis of victim occupation conducted at section 3.2 of Chapter 3.

Table 4-3: Victim occupation from analysis of sentencing remarks

| Occupation | Frequency (n) | Percentage (%) |
|--|---------------|----------------|
| Serious assault – Corrective services officer | 46 | 16.4 |
| Serious assault – Police officer | 144 | 51.2 |
| Serious assault – Public officer | 91 | 32.4 |
| Paramedics | 28 | 10.0 |
| Youth detention workers | 16 | 5.7 |
| Security guards or officers | 13 | 4.6 |
| Nurses | 11 | 3.9 |
| Unknown | 5 | 1.8 |
| Police officers | 4 | 1.4 |
| Psychiatrists or psychologists | 2 | 0.7 |
| Hospital staff | 2 | 0.7 |
| Transit officers | 2 | 0.7 |
| Watch-house officers | 2 | 0.7 |
| Doctors | 2 | 0.7 |
| Corrective services officers | 2 | 0.7 |
| Child safety officers | 1 | 0.4 |
| Parking officers | 1 | 0.4 |

Note. Total number of victim occupation is N = 281 as some cases involved multiple victims.

⁴ The Office of the Director of Public Prosecutions *Director's Guidelines* (as at 30 June 2019) identify specific factors that must be taken into account in the exercise of the discretion to proceed summarily, and factors relevant to whether a serious assault on police should proceed on indictment. These guidelines are discussed in sections 8.8.7, 9.2.3 and 10.6.1 of this report.

Offence location

The analysed offences occurred in various locations – see Figure 4-1.

At a high level, over a quarter of the serious assaults occurred in either a prison, detention centre or watch-house (28.2%, n=79). A relatively high proportion of offences occurred in private residences (14.3%, n=40), an unspecified public location (11.4%, n=32), or a hospital (10.0%, n=28). In almost one in five cases, the sentencing remarks did not provide enough detail to classify the location of the offence (19.6%, n=55).

Figure 4-1: Location of assault from analysis of sentencing remarks

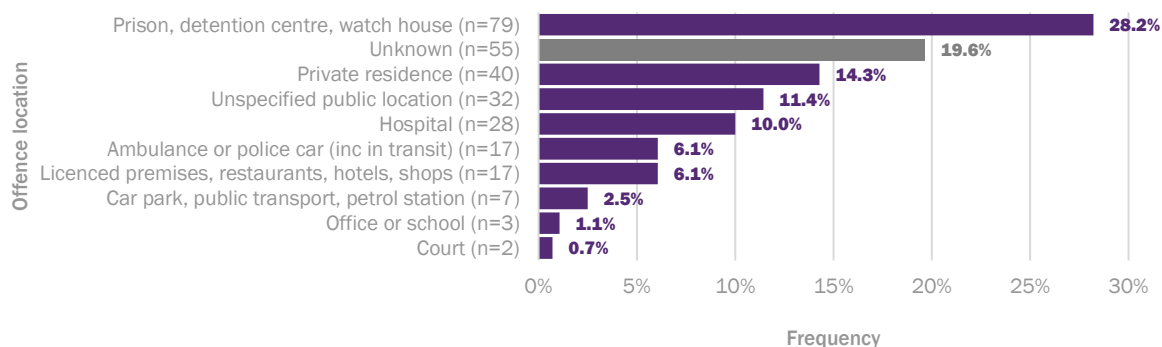


Table 4-4 (below) provides a further breakdown of the offence location by the type of offence and demographic classification of the perpetrator. The number of cases analysed is provided in the labels in the table; however, it is important to exercise caution in interpreting results associated with a small number of cases. Cases with an unknown location were excluded from calculations.

Unsurprisingly, almost all serious assaults of corrective services officers occurred in a prison or similar facility. Serious assaults on police officers most commonly occurred in private residences (n=35), followed by unspecified public locations (n=28). Female offenders were the most likely demographic group to assault a police officer in a prison, detention centre or watch-house (25.0% of cases), irrespective of Aboriginal and Torres Strait Islander status.

Serious assaults of public officers showed some variation in the type of location. Non-Indigenous people were the most likely to assault a public officer in a hospital (63.6% for females; 47.8% for males). Aboriginal and Torres Strait Islander males were the most likely to commit the serious assault of a public officer in a prison, detention centre, or watch-house (70.8%) – the majority of these were young offenders in detention centres (76.5% – data not displayed in table).

Table 4-4: Location of assault from analysis of sentencing remarks, by demographic groups

| Offence Location | Aboriginal and Torres Strait Islander | | Non-Indigenous | |
|--|---------------------------------------|--------|----------------|-------|
| | Female | Male | Female | Male |
| Serious assault – police officer | | | | |
| Private residence (n=35) | 33.3% | 28.1% | 29.2% | 30.6% |
| Unspecified public location (n=28) | 29.2% | 21.9% | 16.7% | 27.8% |
| Prison, detention centre, watch-house (n=18) | 25.0% | 9.4% | 25.0% | 8.3% |
| Licensed premises, restaurants, hotels, shops (n=13) | 8.3% | 12.5% | 12.5% | 11.1% |
| Police vehicle (n=9) | 4.2% | 15.6% | 4.2% | 5.6% |
| Other (n=13) | 0.0% | 12.5% | 12.5% | 16.7% |
| Unknown (n=32) | 27.3% | 15.8% | 33.3% | 12.2% |
| Serious assault – public officer | | | | |
| Hospital (n=24) | 22.2% | 16.7% | 63.6% | 47.8% |
| Prison, detention centre, watch-house (n=21) | 33.3% | 70.8% | 0.0% | 4.3% |
| Ambulance (n=5) | 11.1% | 4.2% | 18.2% | 4.3% |
| Private residence (n=5) | 11.1% | 4.2% | 0.0% | 13.0% |
| Other (n=12) | 22.2% | 4.2% | 18.2% | 30.4% |
| Unknown (n=19) | 43.8% | 4.0% | 38.9% | 14.8% |
| Serious assault – corrective services officer | | | | |
| Prison, detention centre, watch-house (n=40) | 100.0% | 100.0% | 66.7% | 95.0% |
| In transit (n=2) | 0.0% | 0.0% | 33.3% | 5.0% |
| Unknown (n=4) | 0.0% | 0.0% | 0.0% | 16.7% |

Notes: (1) Total number of offence locations is N = 280 as some cases involved offences in different locations.

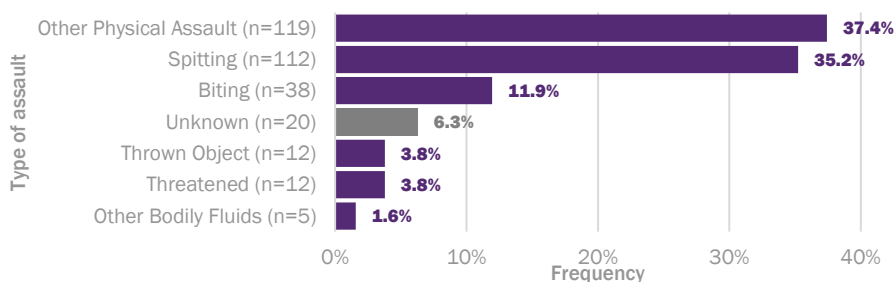
(2) Categories with a count of less than 5 were rolled into 'Other'.

(3) Cases with an unknown location were excluded from calculations for each demographic group.

Type of assault

Figure 4-2 shows the different types of assault of public officers coded from the sentencing remarks. Over a third of cases involved a physical assault, which includes kicking, pushing, punching (37.4%, n=119). Spitting was the second most common type of assault, also occurring in over a third of cases (35.2%, n=112). A smaller proportion of cases involved biting (11.9%, n=38), throwing an object (3.8%, n=12), threatening the victim (3.8%, n=12), and throwing or applying other bodily fluids (e.g. urine; 1.6%, n=5).

Figure 4-2: Type of assault from analysis of sentencing remarks



Note: Total number analysed is N = 381 as some cases involved multiple types of assault of the victim (e.g. spitting and biting, kicking and spitting).

Table 4-5 below provides a further breakdown of the type of assault by demographic classification. Cases where the type of assault was unknown were excluded from calculations.

Males were the most likely to commit a serious assault involving physical violence, such as kicking, pushing and punching (46.8% for Aboriginal and Torres Strait Islander males; 47.9% for non-Indigenous males), whereas females were most likely to offend by spitting on or at a public officer (45.5% for Aboriginal and Torres Strait Islander females; 46.2% for non-Indigenous females).

Approximately one in five offenders bit a public officer – however, this was not the case for Aboriginal and Torres Strait Islander men, who did not bite a public officer in any of the cases analysed.

Table 4-5: Type of assault from analysis of sentencing remarks, by demographic groups

| Assault type | Aboriginal and Torres Strait Islander | | Non-Indigenous | |
|--------------------------------|---------------------------------------|-------|----------------|-------|
| | Female | Male | Female | Male |
| Other physical assault (n=199) | 30.9% | 46.8% | 30.8% | 47.9% |
| Spitting (n=112) | 45.5% | 38.0% | 46.2% | 28.7% |
| Biting (n=38) | 18.2% | 0.0% | 20.0% | 16.0% |
| Threatened (n=12) | 3.6% | 7.6% | 1.5% | 3.2% |
| Thrown object (n=12) | 1.8% | 7.6% | 1.5% | 4.3% |
| Other bodily fluids (n=5) | 0.0% | 2.5% | 0.0% | 3.2% |
| Unknown (n=20) | 9.1% | 3.7% | 3.1% | 10.3% |

Note: Total number analysed is N = 381 as some cases involved multiple types of assault (e.g. spitting and biting, kicking and spitting).

Attitude of the perpetrator

The attitude of the perpetrator leading up to the offence was coded as part of this analysis. In the majority of cases analysed, the sentencing judge provided a description of the way in which offenders were behaving leading up to the assault. Across all demographic groups, they were most frequently coded as being aggressive or uncooperative – see Figure 4-3.

There were some differences between the demographic groups. Although all categories of offenders were described as aggressive, aggression was more prominent for men (regardless of Aboriginal and Torres Strait Islander status). Female offenders were more likely than male offenders to be described as uncooperative, agitated, drunk or angry leading up to the assault (regardless of Aboriginal and Torres Strait Islander status).

Non-Indigenous males were more likely to be resisting arrest leading up to the assault, compared with Aboriginal and Torres Strait Islander males, who were more often described as behaving violently or threatening the victim.

Figure 4-3: Most common coded attitude of offenders leading up to the offence from the sentencing remarks analysis, Queensland, 2009–10 to 2018–19

Aboriginal and Torres Strait Islander Female



Non-Indigenous Female



Aboriginal and Torres Strait Islander Male



Non-Indigenous Male



Apparent reason for the assault

The sentencing remarks were coded for themes that provided insight into the reason and circumstances in which the assault occurred – see Table 4-6. In one-quarter of the cases analysed the reason for the assault was unclear or not specified by the sentencing judge (25.4%, n=70).

The most common circumstance in which a serious assault occurred was while the offender was being arrested or restrained (33.5%, n=68). This included cases where, for example, an offender refused to submit to a search, spat while being restrained, or was struggling to break free while being apprehended by police. Assaults of public officers

in these types of situations were least common among Aboriginal and Torres Strait Islander females (27.8% of cases), compared with other demographic groups (33.3% to 35.7% of cases).

The second most common type of situation in which a serious assault occurred was where the perpetrator was resisting an instruction given by a public officer. Some examples included cases where a security guard was instructing a person to leave a premises, and where police officers were attempting to confiscate items (especially alcohol) or perform an alcohol breath test. These types of assaults were more common for Aboriginal and Torres Strait Islander females (22.2% of cases), compared with the other demographic groups (12.3% to 16.2% of cases).

Men and Aboriginal and Torres Strait Islander peoples were more likely to commit an unprovoked serious assault on a public officer. These types of cases were often described as being the result of anger management issues on the part of the perpetrator, or where the perpetrator was in an alcohol- or drug-induced state. Non-Indigenous women were the least likely to commit an unprovoked assault (4.8% of cases) – see Table 4-6.

In some cases, a public officer was assaulted after they had intervened in an ongoing fight or dispute. This included circumstances in which a public officer was attempting to break up a fight, where a public officer was incidentally or accidentally assaulted as part of a larger affray, or where an argument between the victim and perpetrator escalated into violence. Non-Indigenous men were most commonly involved in this type of assault (13.5% of cases).

In 9.9 per cent of cases, particularly those involving non-Indigenous women, a public officer was assaulted while attempting to render aid or assistance to the perpetrator. This commonly involved assaults on paramedics who were attempting to render assistance, but also included police officers, nurses and prison guards who were attempting to help. Self-harm and suicide was a common theme in these cases, in circumstances where the perpetrator of the assault did not wish to be prevented from self-harming. The perpetrator in these situations was most likely to be female (19.0% of cases for non-Indigenous women; 13.9% of cases for Aboriginal and Torres Strait Islander women).

In 6.9 per cent of cases, the perpetrator assaulted a public officer due to perceived unfairness or in retaliation to a perceived slight or insult. This type of offending was more common among Aboriginal and Torres Strait Islander men (14.0% of cases). Some examples of this type of offending included assaults by young people in youth detention when a rugby match was cancelled due to poor behaviour or situations in which a perpetrator 'lashed out' after comments made by a victim.

A small number of cases involved situations where a perpetrator had 'lashed out' following an emotional event (4.9%, n=10). This included cases where an adverse decision had been made regarding child custody, or where a paramedic was assaulted while rendering aid to a family member of the perpetrator. This theme was observed among all demographic groups, except for Aboriginal and Torres Strait Islander women.

Another category with a small number of cases was where the perpetrator was attempting to prevent the arrest or detention of someone else (4.4% of cases, n=9). This most commonly involved Aboriginal and Torres Strait Islander women (16.7% of cases) in cases where police were attempting to arrest or restrain a family member.

A few cases (n=4) involved non-Indigenous offenders assaulting a public officer after being pulled over (e.g. due to speeding). A couple of cases (n=2) involved Aboriginal and Torres Strait Islander men assaulting public officers while protesting.

Table 4-6: Reason for the offence from the analysis of sentencing remarks

| Reason | Aboriginal and Torres Strait Islander | | Non-Indigenous | | Total |
|--|---------------------------------------|-----------|----------------|-----------|--------------|
| | Female | Male | Female | Male | |
| Unclear (n=70) | 31.4% | 27.8% | 25.5% | 19.8% | 25.4% |
| Being arrested/restrained (n=68) | 27.8% | 33.3% | 35.7% | 35.1% | 33.5% |
| Resisting instructions (n=33) | 22.2% | 12.3% | 14.3% | 16.2% | 16.3% |
| Unprovoked (n=23) | 11.1% | 17.5% | 4.8% | 9.5% | 11.3% |
| Ongoing fight/dispute (n=20) | 5.6% | 10.5% | 9.5% | 13.5% | 9.9% |
| Victim helping the perpetrator (n=20) | 13.9% | 3.5% | 19.0% | 9.5% | 9.9% |
| Perceived unfairness/retaliation (n=14) | 2.8% | 14.0% | 2.4% | 5.4% | 6.9% |
| Lashed out due to an emotional event (n=10) | 0.0% | 5.3% | 9.5% | 4.1% | 4.9% |
| Intervening someone else's arrest or detention (n=9) | 16.7% | 0.0% | 2.4% | 2.7% | 4.4% |
| Pulled over (while driving) (n=4) | 0.0% | 0.0% | 2.4% | 4.1% | 2.0% |
| Protesting (n=2) | 0.0% | 3.5% | 0.0% | 0.0% | 1.0% |
| Number of cases | 51 | 79 | 55 | 91 | 276 |

Notes: Cases with an unclear reason were excluded from calculations for each demographic group.

Other characteristics

Table 4-7 contains some additional characteristics of the analysed cases by Aboriginal and Torres Strait Islander status and gender.

Over one-third of cases involved aggression on the part of the perpetrator (41.3% of cases). Aggression was most likely to be mentioned in the sentencing remarks for Aboriginal and Torres Strait Islander men (48.1% of cases), and least likely to be mentioned for non-Indigenous men (15.2% of cases). In just under one-third of cases, the sentencing remarks described the perpetrator as being restrained during the incident. This factor was more likely in cases involving non-Indigenous females (34.5% of cases).

In 18.1 per cent of cases, the victim was said to be intervening in an ongoing incident. This covered a wide range of situations; examples include public officers attempting to break up a fight, police officers intervening in an ongoing crime, paramedics providing assistance in difficult situations, and prison guards responding to incidents such as fights or wilful damage.

A high proportion of cases involved the influence of alcohol or drugs (42.8%). This was a factor that was most likely to affect women, regardless of Aboriginal and Torres Strait Islander status (51.0% of cases for Aboriginal and Torres Strait Islander women; 47.3% for non-Indigenous women). Non-Indigenous men were the least likely to be affected by alcohol or drugs (13.0% of cases).

Weapons were used in 17.0 per cent of cases (n=47) and were most likely to be used by Aboriginal and Torres Strait Islander men (24.1% of cases). The type of weapon used varied and usually reflected whatever was readily available at the time of the offence. In nine cases a knife was used, seven cases involved another sharp object such as a tomahawk, spear or broken glass, and in six cases the perpetrator had prepared a container of bodily fluids – usually urine. The remaining cases involved other miscellaneous items, such as brooms, buckets, rocks, clubs and chairs.

In over a third of cases (36.2%), the perpetrator was identified as having mental health problems. This was most common for non-Indigenous females (58.2%), and included a range of conditions, such as schizophrenia, bipolar affective disorder, depression, attention deficit hyperactivity disorder, anxiety, autistic spectrum disorder. Cognitive impairment was only identified in the sentencing remarks in 4.0 per cent of cases (n=11).

Table 4-7: Case characteristics by Indigenous status and gender from the sentencing remarks analysis, Queensland, 2009–10 to 2018–19

| Case characteristics | Aboriginal and Torres Strait Islander | | Non-Indigenous | | Total |
|---|---------------------------------------|-----------|----------------|-----------|--------------|
| | Female | Male | Female | Male | |
| Offence characteristics | | | | | |
| Offender being aggressive leading up to incident (n=114)* | 33.3% | 48.1% | 30.9% | 15.2% | 41.3% |
| Offender being restrained at the time of incident (n=89)* | 29.4% | 24.1% | 34.5% | 13.0% | 32.2% |
| Victim intervening in an ongoing incident (n=50) | 19.6% | 21.5% | 12.7% | 5.8% | 18.1% |
| Under the influence during the offence (n=118) | 51.0% | 38.0% | 47.3% | 13.0% | 42.8% |
| Culpability factors | | | | | |
| Weapon use (n=47)* | 7.8% | 24.1% | 10.9% | 6.5% | 17.0% |
| Poor mental health identified (n=100)* | 27.5% | 21.5% | 58.2% | 13.4% | 36.2% |
| Cognitive impairment identified (n=11)† | 0.0% | 1.3% | 1.8% | 3.3% | 4.0% |
| Number of cases | 52 | 79 | 55 | 91 | 276 |

Notes:

* significant difference found between the groups.

† no significant testing conducted due to small sample sizes as results may not be reliable.

4.3 Analysis of accepted WorkCover claims

Section summary

- Most injuries resulting from an assault involved trauma to muscles, joints, neck and back pain, dislocation, contusions, bruising or lacerations.
- Carers, medical practitioners and teachers suffered the highest proportion of mental disorders such as anxiety, stress or post-traumatic stress disorder. These injuries were lowest for police officers.
- The median compensation payment was \$638; this was considerably higher for carers, health professionals, prison officers, security guards and youth workers.
- Half of workers received paid work absence as part of the WorkCover claim, which was highest for nursing assistants and youth workers.

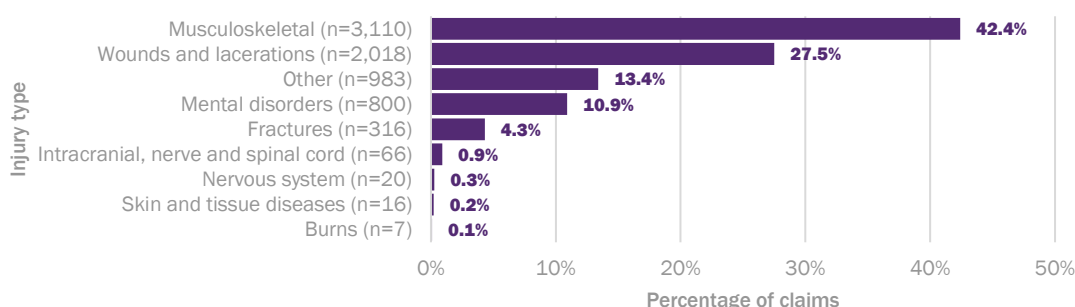
While assessing the seriousness of offending requires a complex and multifaceted approach, for the purpose of this review, only limited analysis was feasible due to data availability. This section provides insight into the seriousness of offending by reporting on the harm caused by assaults on public officers. The data in this section were obtained from WorkCover Queensland and include information on the type of injury, the monetary amount claimed by victims of assault, and the number of days off work resulting from the assault of a public officer.⁵

Type of injury

The type of injury reported below refers to the primary injury as recorded against the WorkCover claim.

The most common reported injury from an accepted WorkCover claim for the assault of a public officer was musculoskeletal injuries and diseases, representing 42.4 per cent of accepted claims. These injuries include trauma to muscles, joints, neck and back pain and dislocation. The second most commonly reported injury type was wounds and lacerations, representing 27.5 per cent of the accepted claims. These injuries include contusions, bruising and lacerations.

Figure 4-4: Proportion of assault-related claims by injury type



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

Notes: type of injury refers to the primary injury recorded on the WorkCover claim.

⁵ See Appendix 3 for the methodology used by WorkCover to extract the data on claims.

Type of injury by occupational group

All occupational groups are more likely to have accepted assault-related injury claims for musculoskeletal injuries than any other injury type. Wounds and lacerations are also high across all groups, particularly for police officers (33.2%) and teacher aides (35.2%). Claims for mental disorders are highest for aged/disabled/residential care officers (24.4%) and teachers (20.1%) and lowest for police officers (1.6%).

The Queensland Council of Unions in its submission noted that victims of assault may be concerned for their own ongoing employment, which could result in under-reporting by some categories of victims.⁶ Take, for example, an employee who suffers a psychological injury, such as post-traumatic stress disorder, as the result of a workplace incident. The fact that the employee sustained this psychological injury may mean they have a propensity to be adversely affected in this line of work, which may mean that an employer is unable to provide this employee with a safe working environment. In situations such as these, an employee may choose not to put in a claim related to their psychological injury out of concern that it could result in them being found to be no longer suited to performing their job. This may offer some insight into why some occupational groups are much less likely to report a mental disorder – see Table 4-8.

Table 4-8: Proportion of assault-related claims by injury type and victim occupation

| Injury type | Musculoskeletal | Wounds and lacerations | Mental disorders | Fractures | Intracranial, nerve and spinal cord | Nervous system | Skin and tissue diseases | Burns | Other |
|--|-----------------|------------------------|------------------|------------|-------------------------------------|----------------|--------------------------|------------|-------------|
| Victim occupation | % | % | % | % | % | % | % | % | % |
| Police Officer (n=2,440) | 37.5 | 33.2 | 1.6 | 6.0 | 0.9 | 0.4 | 0.2 | 0.1 | 20.1 |
| Teacher (n=1,189) | 40.4 | 27.9 | 20.1 | 2.4 | 0.8 | 0.3 | 0.4 | 0.1 | 7.7 |
| Other/Unknown (n=786) | 40.1 | 23.3 | 21.9 | 3.2 | 0.6 | 0.1 | 0.0 | 0.0 | 10.8 |
| Nursing Professional (n=711) | 49.4 | 18.6 | 17.3 | 4.5 | 1.1 | 0.3 | 0.1 | 0.3 | 8.4 |
| Teacher Aide (n=651) | 41.5 | 35.2 | 10.0 | 2.0 | 0.8 | 0.3 | 0.5 | 0.2 | 9.7 |
| Prison Officer (n=421) | 47.3 | 22.6 | 6.2 | 6.7 | 2.1 | 0.0 | 0.0 | 0.0 | 15.2 |
| Youth Worker (n=284) | 51.4 | 20.4 | 12.3 | 4.2 | 0.0 | 0.4 | 0.4 | 0.4 | 10.6 |
| Nursing Assistant (n=234) | 60.7 | 17.9 | 9.8 | 4.7 | 1.3 | 0.0 | 0.0 | 0.0 | 5.6 |
| Guards and Security Officers (n=198) | 53.0 | 23.7 | 6.1 | 4.0 | 1.0 | 0.0 | 0.0 | 0.0 | 12.1 |
| Ambulance Operative (n=141) | 46.1 | 17.7 | 8.5 | 5.0 | 0.0 | 0.0 | 0.0 | 0.0 | 22.7 |
| Health Professional (n=133) | 49.6 | 17.3 | 14.3 | 3.0 | 0.0 | 0.0 | 0.0 | 0.0 | 15.8 |
| Aged/Disabled/Residential Care Officer (n=127) | 37.8 | 29.1 | 24.4 | 0.8 | 3.1 | 0.0 | 0.0 | 0.0 | 4.7 |
| Medical Practitioner (n=19) | 47.4 | 15.8 | 26.3 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 10.5 |
| Firefighter (n=2*) | - | - | - | - | - | - | - | - | - |
| Total | 42.4 | 27.5 | 10.9 | 4.3 | 0.9 | 0.3 | 0.2 | 0.1 | 13.4 |

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

Notes: Type of injury refers to the primary injury recorded on the WorkCover claim.

(*) Small sample size

⁶ Submission 16 (Queensland Council of Unions) 4.

Length of work absence by year and occupational group

The length of work absence due to assault-related claims is calculated by the number of paid days away from work received by the claimant (including any required excess periods). These data only include the work absence from the WorkCover claim, and may not reflect the actual work absence. For example, some agencies may continue to pay wages throughout the course of the claim. Police officers have access to a Sick Leave Bank, which allows sworn police officers who have exhausted their sick leave entitlements to draw upon additional leave in certain situations. So, although police officers receive, on average, less paid days from WorkCover compared with other occupations, they may be accessing additional leave through other arrangements, which is not reflected in the data below.

Overall, just over half of all accepted claims included paid absence from work (54.9%). This was highest for nursing assistants (81.6%) and youth workers (81.3%).

The average number of days off work (28.4 days) was considerably higher than the median number of days off work (1 day). The median value is pulled lower because of the high number of claims that did not receive any paid days off work (45.1%), whereas the average is pulled higher by a small number of cases that received hundreds of days off work.

A few occupations shared the highest median number of days off work due to an assault-related claim. These included nursing professionals, nursing assistants, medical practitioners, and aged/disabled/residential care officers – all of which had a median of 6 days off work. Nursing assistants and nursing professionals also had the highest average number of days off work (56.7 days and 52.9 days, respectively) – followed by youth workers (46.9 days), prison officers (44.9 days), aged/disabled/residential care officers (44.6 days) and guards and security officers (43.6 days).

Table 4-9: Work absence due to assault-related claims, by occupation group

| Victim occupation | Average (days) | Median (days) | Proportion that received paid leave (%) |
|--|----------------|---------------|---|
| Nursing Assistant (n=234) | 56.7 | 6 | 81.6 |
| Nursing Professional (n=711) | 52.9 | 6 | 78.3 |
| Youth Worker (n=284) | 46.9 | 5 | 81.3 |
| Prison Officer (n=421) | 44.9 | 5 | 67.9 |
| Aged/Disabled/Residential Care Officer (n=127) | 44.6 | 6 | 74.8 |
| Guard and Security Officer (n=198) | 43.6 | 4 | 66.7 |
| Health Professional (n=133) | 37.2 | 4 | 72.9 |
| Other/Unknown (n=786) | 33.4 | 3 | 66.7 |
| Teacher (n=1,189) | 28.1 | 1 | 55.8 |
| Medical Practitioner (n=19) | 20.9 | 6 | 63.2 |
| Teacher Aide (n=651) | 19.2 | 1 | 58.2 |
| Police Officer (n=2,440) | 13.0 | 0 | 32.7 |
| Ambulance Operative (n=141) | 9.9 | 0 | 45.4 |
| Firefighter (n=2*) | - | - | - |
| Total | 28.4 | 1 | 54.9 |

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

Notes: Work absence refers to the total number of paid days the claimant received, including the excess period.

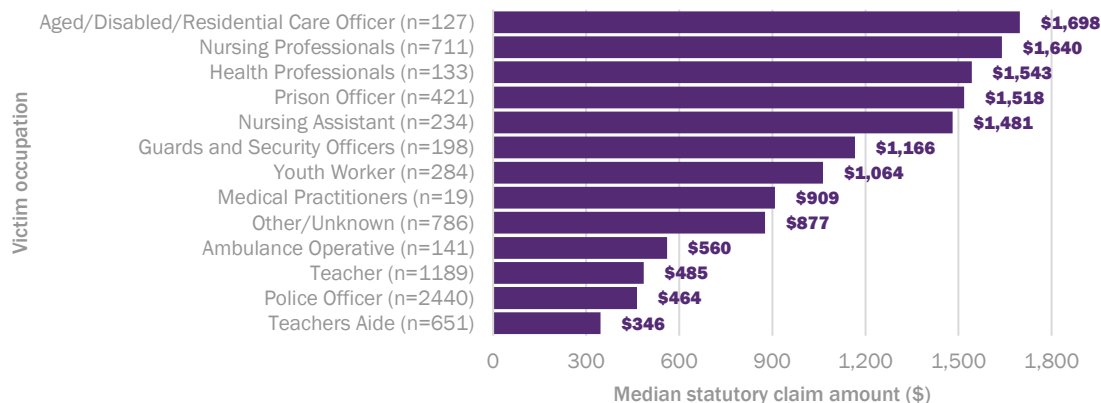
(*) Small sample size

Amount claimed by occupational group

The majority of accepted WorkCover claims resulted in a financial payment (94.5% of accepted claims) – see Table A4-4 in Appendix 4 for breakdowns.

The median payment across all claims due to an assault-related incident from 2014–15 to 2018–19 was \$638. The highest median by occupational group was \$1,698, paid to aged/disabled/residential care officers. This was closely followed by nursing professionals at a median of \$1,640. Over the time period analysed, teacher aides received the lowest median amount at \$346 – see Figure 4-5.

Figure 4-5: Median WorkCover amount due to assault-related claims, by occupation group



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

Notes: (1) Firefighter has not been presented due to a small sample size (n=2).

(2) Monetary amounts include statutory payments and do not include common law payments.

Amount claimed by occupational group and year

The median amount paid by WorkCover due to assault-related claims has increased slightly each year, from \$465 in 2014–15 to \$729 in 2018–19. As shown in Table 4-10, there was no discernible pattern to the median payments by occupational group over time, with large fluctuations as well as small sample sizes for some groups.

Table 4-10: WorkCover amount due to assault-related claims, by occupation group over time

| Victim occupation | 2014–15 | | 2015–16 | | 2016–17 | | 2017–18 | | 2018–19 | |
|--|--------------|-------------|--------------|-------------|--------------|-------------|--------------|-------------|--------------|-------------|
| | N | Median (\$) | N | Median (\$) | N | Median (\$) | N | Median (\$) | N | Median (\$) |
| Police Officer | 427 | 335 | 493 | 421 | 506 | 537 | 444 | 514 | 570 | 538 |
| Teacher | 203 | 387 | 188 | 456 | 221 | 461 | 263 | 448 | 314 | 788 |
| Other/Unknown | 120 | 1,421 | 145 | 773 | 137 | 836 | 170 | 826 | 214 | 855 |
| Nursing Professional | 129 | 1,481 | 126 | 1,467 | 144 | 1,189 | 157 | 1,906 | 155 | 2,440 |
| Teacher Aide | 94 | 300 | 106 | 396 | 107 | 388 | 151 | 395 | 193 | 317 |
| Prison Officer | 46 | 2,079 | 76 | 665 | 100 | 1,736 | 87 | 1,436 | 112 | 1,908 |
| Youth Worker | 39 | 982 | 35 | 848 | 73 | 1,627 | 57 | 727 | 80 | 1,282 |
| Nursing Assistant | 35 | 601 | 54 | 2,649 | 45 | 826 | 51 | 2,678 | 49 | 3,055 |
| Guard and Security Officer | 17 | 490 | 35 | 1,271 | 50 | 1,391 | 51 | 1,631 | 45 | 1,326 |
| Health Professional | 24 | 450 | 38 | 573 | 24 | 655 | 21 | 753 | 34 | 419 |
| Ambulance Operative | 15 | 3,549 | 44 | 897 | 29 | 1,596 | 19 | 2,144 | 26 | 3,092 |
| Aged/Disabled/Residential Care Officer | 22 | 2,611 | 27 | 611 | 28 | 2,257 | 27 | 1,788 | 23 | 2,121 |
| Medical Practitioner | 3 | 250 | 7 | 2,443 | 2 | 402 | 5 | 4,910 | 2 | 22,657 |
| Total | 1,174 | 465 | 1,374 | 557 | 1,467 | 696 | 1,504 | 686 | 1,817 | 729 |

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

Notes:

(1) Firefighter has not been presented due to a small sample size (n=2).

(2) Monetary amounts include statutory payments and do not include common law payments.

(*) Small sample size.

Number of injuries recorded

The average number of distinct injuries recorded on an accepted WorkCover claim due to the assault of a public officer was 1.4, with a maximum of 9 injuries in the one incident. On average, aged/disabled/ residential care officers and youth workers recorded the highest number of injuries per claim at 1.6, closely followed by prison officers, nursing assistants, and guards/security officers with an average of 1.5 injuries per claim.

With the highest average number of injuries, as well as also receiving the highest median payment amount and the highest median number of days lost, suggests that the claims raised by aged/disabled/residential care workers may involve more severe assaults resulting in more serious injuries – see Figure 4-6.

Figure 4-6: Number of injuries resulting from incidents, by occupation

| Victim occupation | Average number of injuries | Maximum number of injuries |
|--|----------------------------|----------------------------|
| Police Officer (n=2,440) | 1.4 | 9 |
| Teacher (n=1,189) | 1.4 | 8 |
| Other/Unknown (n=786) | 1.3 | 8 |
| Nursing Professional (n=711) | 1.4 | 9 |
| Teacher Aide (n=651) | 1.3 | 7 |
| Prison Officer (n=421) | 1.5 | 8 |
| Youth Worker (n=284) | 1.6 | 9 |
| Nursing Assistant (n=234) | 1.5 | 7 |
| Guard and Security Officer (n=198) | 1.5 | 9 |
| Ambulance Operative (n=141) | 1.3 | 5 |
| Health Professional (n=133) | 1.4 | 6 |
| Aged/Disabled/Residential Care Officer (n=127) | 1.6 | 6 |
| Medical Practitioner (n=19) | 1.1 | 2 |
| Firefighter (n=2*) | - | - |
| Total | 1.4 | 9 |

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

Notes: Guards and security officers are displayed separately as they appeared across many different agencies.

(*) Small sample size

4.4 Associated offences

Section summary

- An 'associated offence' is an additional offence that was committed during the same incident as an assault of a public officer.
- Assaults of corrective services officers were the least likely to have associated offences – that is, the only offence committed during these incidents was the assault itself.
- The serious assault of a police officer was the most likely offence to have multiple counts of the same offence arising out of the same incident – particularly those involving male offenders.
- Public nuisance was the most commonly associated non-violent offence. It was more commonly associated with Aboriginal and Torres Strait Islander women.

This section of the report explores types of offences that are commonly committed alongside the assault of a public officer. The phrase 'associated offence' is used in this section to describe an offence that was committed on the same day and by the same perpetrator who assaulted a public officer. The purpose of this analysis is to provide some insight into the types of situations in which assaults of public officers occur. For example, an incident that does not have any associated offences may imply that the assault was not associated with other criminal activities, whereas an incident that involved a multitude of associated offences may allude to a higher level of criminal activity on the part of the offender on the day of the offence.

Number and proportion of associated offences

Table 4-11 provides an overview of different types of assault-related offences and shows the proportion of cases that contained at least one associated offence. Assaults of corrective services officers were the least likely to have associated offences. For the serious assault of a corrective services officer, only 25.7 per cent of incidents involved an associated offence – which means that in three-quarters of cases, the serious assault was the only offence committed. Similarly, the summary offence of assaulting or obstructing a corrective services staff member also contained a low proportion of associated offences (29.3%).

A serious assault under section 340(1)(a), which includes assaults with intent to commit a crime, or with intent to prevent a lawful arrest, had the highest proportion of incidents that contained associated offences (87.2%). This can presumably be explained because, in order to be resisting arrest or intending to commit a crime, the offender must have committed, or be intending to commit another offence. Assaults of police officers also had a high proportion of associated offences (82.0% for serious assault; 74.8% for the summary offence). This indicates that incidents that result in the assault of a police officer also involve other offences.

These findings are at a very high level. The following pages delve deeper into the number of associated offences, any differences between demographic groups, and explores the most common associated offences.

Table 4-11: Proportion of incidents that had at least one associated offence, by different types of assault

| Offence | At least one associated offence |
|--|---------------------------------|
| Assault occasioning bodily harm (n=26,270) | 41.4% |
| Assault occasioning bodily harm (aggravated) (n=10,668) | 52.3% |
| Assault or obstruct corrective services staff (n=150) | 29.3% |
| Assault or obstruct police officer (n=90,907) | 74.8% |
| Common assault (n=33,466) | 50.5% |
| Grievous bodily harm (n=2,151) | 34.6% |
| Serious assault – 60 years and over (n=1,730) | 48.2% |
| Serious assault – Corrective services officer (n=339) | 25.7% |
| Serious assault – Intent to commit/resist arrest (n=297) | 87.2% |
| Serious assault – Performed duty at law (n=88) | 46.6% |
| Serious assault – Performing duty at law (n=242) | 66.5% |
| Serious assault – Person with a disability (n=43) | 48.8% |
| Serious assault – Police officer (n=6,738) | 82.0% |
| Serious assault – Public officer (n=1,439) | 49.3% |
| Torture (n=161) | 75.2% |
| Wounding (n=1,411) | 45.4% |

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

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

Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

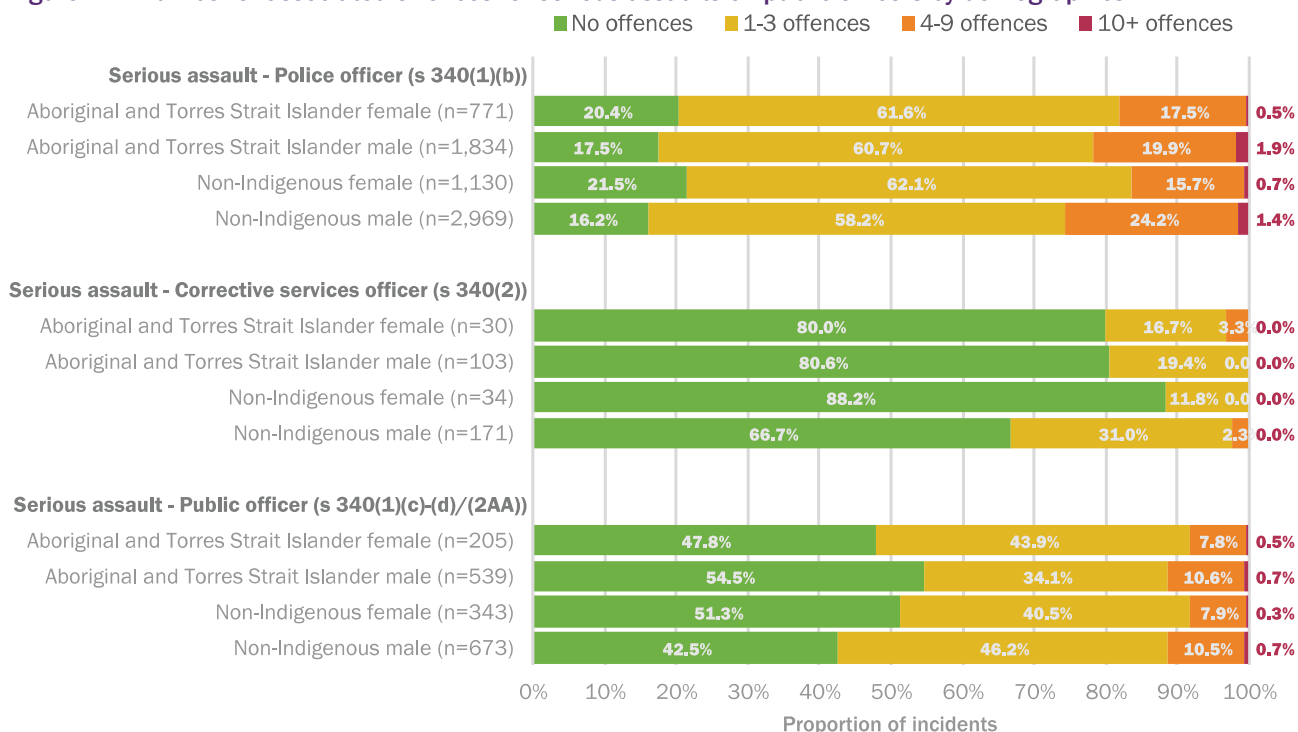
Figure 4-7 shows the number of associated offences for serious assaults of a public officer, broken down by demographic groups. The leftmost portion of the bars, which is shaded green, represents the proportion of cases that did not have any associated offences. It is clear the serious assaults of corrective services officers are the least likely to have any associated offences, across all demographic groups.

There are some interesting patterns observed based on the type of offence. In incidents involving the serious assault of a police officer, men are generally more likely to have associated offences compared with women (regardless of Aboriginal and Torres Strait Islander status). In fact, in a small proportion of cases, some men commit upwards of 10 offences in the one incident that involved the assault of a police officer.

However, in cases involving the serious assault of a public officer, the demographic breakdowns are remarkably different. In these incidents, Aboriginal and Torres Strait Islander men are the least likely to have associated offences – in over half of incidents where the assault of a public officer was the only offence committed (54.5% of incidents); whereas non-Indigenous men were the most likely to have committed multiple offences during the incident.

Assaults on corrective services officers follow different patterns altogether. Overall, few incidents involving the serious assault of a corrective services officer had associated offences. Non-Indigenous men were the most likely to commit multiple offences during the incident; whereas non-Indigenous women were the least likely to commit multiple offences.

Figure 4-7: Number of associated offences for serious assaults on public officers by demographics



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

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

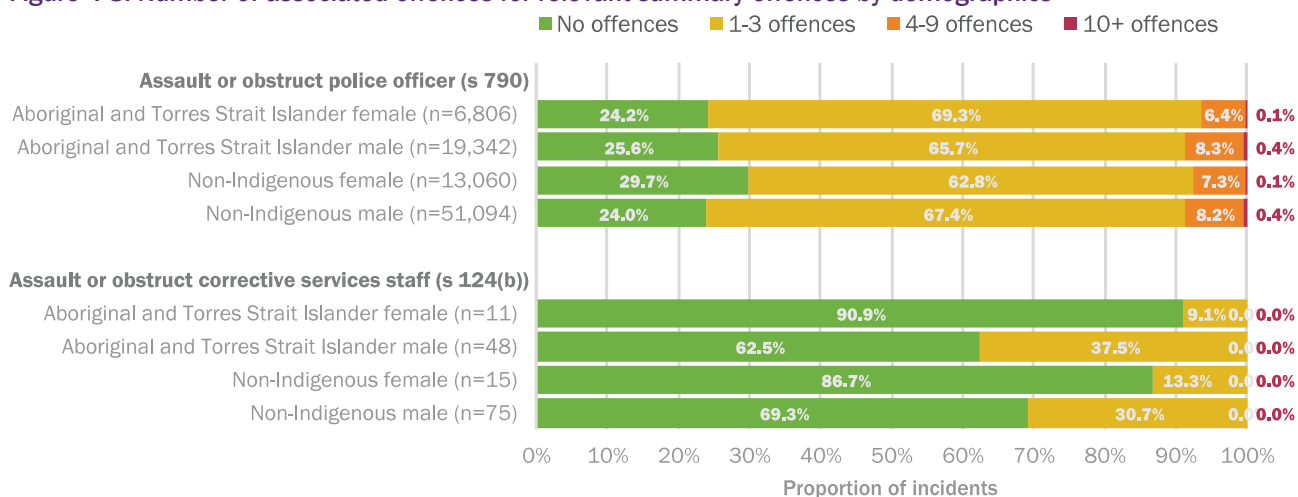
Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

Figure 4-8 is similar to the previous figure but shows data for the alternative summary offences of assaulting or obstructing a police officer or a corrective services officer.

The patterns for the summary offence of assaulting or obstructing a police officer are slightly different from the more serious offence of serious assault. While Aboriginal and Torres Strait Islander women were one of the least likely groups to have associated offences along with serious assault (see Figure 4-7), they were one of the most likely to have associated offences for the summary offence. However, overall, the difference between each demographic group was not considerable.

For the summary offence of assaulting or obstructing a corrective services officer, women were considerably less likely to have associated offences compared with men – although the sample sizes for women were small and limited weight can be placed on these findings.

Figure 4-8: Number of associated offences for relevant summary offences by demographics



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

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

Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

Type of associated offence

Many incidents involve multiple counts of the same offence. This leads to a situation where an offence is often associated with itself – that is, for example, if a person assaults two police officers, they may be charged with two counts of serious assault of a police officer, and in this way the offence of serious assault is associated with a second count of serious assault. Table 4-12 contains a breakdown of incidents that contain multiple counts of the same offence – or, in other words, are associated with themselves.

The serious assault of a police officer is the most likely to have multiple counts arising out of the same incident. The proportion of incidents with multiple counts is highest for Aboriginal and Torres Strait Islander men (25.5% of incidents) and lowest for non-Indigenous women (17.3% of incidents).

Table 4-12: Proportion of incidents with multiple counts of the same offence

| Offence | Aboriginal and Torres Strait Islander | | Non-Indigenous | |
|--|---------------------------------------|-------|----------------|-------|
| | Female | Male | Female | Male |
| Assault or obstruct corrective services staff (n=149) | 9.1% | 12.5% | 13.3% | 6.7% |
| Assault or obstruct police officer (n=90,302) | 16.9% | 12.8% | 18.4% | 12.7% |
| Serious assault – Police officer (n=6,704) | 20.8% | 25.5% | 17.3% | 22.7% |
| Serious assault – Corrective services officer (n=338) | 16.7% | 13.6% | 8.8% | 22.8% |
| Serious assault – Public officer/duty at law (n=1,760) | 17.6% | 18.4% | 13.4% | 14.6% |

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





















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

Note: Counts are of 'incidents' – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

The remainder of this section explores the offences that are most commonly associated with the assault of a public officer. In conducting this analysis, it became apparent that many of the offences that were most commonly associated with the assault of a public officer corresponded to the most common offences that were sentenced in Queensland generally.

Table 4-13 provides a list of the top 20 most common offences sentenced in Queensland courts (excluding traffic offences). Due to the sheer volume of these cases, many of these offences tended to appear as associated offences across all types of assaults of public officers. Hence, it is important to note that many of the associated offences tended to represent the most common offences committed generally over the reporting period.

Table 4-13: Top 20 most common offences sentenced in Queensland courts (excluding traffic offences)

| Rank | Offence category | Offence | Cases |
|------|---|--|---------|
| 1 |  Drugs | Possessing dangerous drugs | 173,422 |
| 2 |  Drugs | Possession of drug utensils | 144,416 |
| 3 |  Public order | Public nuisance | 122,540 |
| 4 |  Justice and government | Offence to contravene direction or requirement of police officer | 107,443 |
| 5 |  Justice and government | Breach of bail – failure to appear | 89,044 |
| 6 |  Justice and government | Assault or obstruct police officer | 83,942 |
| 7 |  Theft | Stealing | 82,204 |
| 8 |  Justice and government | Contravention of domestic violence order | 77,825 |
| 9 |  Property damage | Wilful damage | 62,037 |
| 10 |  Theft | Unauthorised dealing with shop goods | 55,322 |
| 11 |  Acts endangering persons | Vehicle offences involving liquor or other drugs | 49,293 |
| 12 |  Justice and government | Breach bail condition | 48,680 |
| 13 |  Unlawful entry | Entering or being in premises and committing indictable offences | 34,817 |
| 14 |  Acts intended to cause injury | Assaults occasioning bodily harm | 34,222 |
| 15 |  Drugs | Possessing property suspected of being used, acquired or furnished in connection with a drug offence | 33,967 |
| 16 |  Public order | Trespass | 32,168 |
| 17 |  Acts intended to cause injury | Common assault | 31,291 |
| 18 |  Fraud | Fraud | 29,780 |
| 19 |  Theft | Unlawful use or possession of motor vehicles, aircraft or vessels | 29,516 |
| 20 |  Acts endangering persons | Careless driving of motor vehicles | 26,308 |

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

Source: Court data: QGS0, Queensland Treasury – Courts Database, extracted November 2019.

Table 4-14 (below) shows the top five offences that were most commonly associated with serious assaults of public officers. To ensure that the top five most commonly associated offences were displayed for each demographic group, more than five associated offences have been displayed for some offences.




















Serious assaults of corrective services officers and serious assaults of public officers were most commonly associated with themselves (see Table 4-12 above). However, the serious assault of a police officer was most commonly associated with a charge of the summary offence of obstructing or assaulting a police officer under section 790 of the PRRA. This was most common for women, where almost half of incidents involving the serious assault of a police officer also involved a charge of the corresponding summary offence (48.8% for non-Indigenous women; 44.9% for Aboriginal and Torres Strait Islander women). This also affected a high proportion of incidents involving men (43.3% for non-Indigenous men; 38.2% for Aboriginal and Torres Strait Islander men).

Public nuisance was frequently associated with the serious assault of both police officers and public officers, particularly for Aboriginal and Torres Strait Islander women. One-third of serious assaults of a police officer involving Aboriginal and Torres Strait Islander women also involved a charge of public nuisance (34.8% of incidents); whereas this was lower at approximately one-fifth of cases for other demographic groups.

Wilful damage was a common associated offence across all types of serious assaults analysed. For incidents involving the serious assault of a corrective services officer, it was the second most common associated offence, although the proportion of cases involving wilful damage was small. For serious assaults of police officers and public officers, wilful damage was most commonly associated with Aboriginal and Torres Strait Islander men.

The serious assault of a public officer was often associated with assaults of police officers (both the offence of serious assault, and the summary offence). The implication in this finding is that there were a number of incidents that involved the assault of a public officer (such as a paramedic) as well as a police officer.

Table 4-14: Top five associated offences for serious assaults on public officers by demographics

| Associated offences | Aboriginal and Torres Strait Islander | | Non-Indigenous | |
|--|---------------------------------------|---------|----------------|---------|
| | Female | Male | Female | Male |
| Serious assault – Police officer (s 340(1)(b)) | n=771 | n=1,834 | n=1,130 | n=2,969 |
|  Assault or obstruct police officer | 44.9% | 38.2% | 48.8% | 43.3% |
|  Public nuisance | 34.8% | 21.9% | 22.4% | 21.1% |
|  Serious assault – Police officer | 20.8% | 25.5% | 17.3% | 22.7% |
|  Wilful damage | 11.4% | 16.2% | 10.5% | 13.7% |
|  Possessing dangerous drugs | 2.6% | 4.0% | 5.6% | 7.6% |
|  Contravention of domestic violence order | 2.5% | 7.1% | 2.2% | 5.6% |
|  Common assault | 4.5% | 5.2% | 4.3% | 4.5% |
| Serious assault – Corrective services officer (s 340(2)) | n=30 | n=103 | n=34 | n=171 |
|  Serious assault – Corrective services officer | 16.7% | 13.6% | 8.8% | 22.8% |
|  Wilful damage | 3.3% | 1.9% | 2.9% | 2.9% |
|  Assault occasioning bodily harm (non-aggravated) | 3.3% | 1.9% | 0.0% | 1.2% |
|  Assault occasioning bodily harm (aggravated) | 3.3% | 1.0% | 0.0% | 1.2% |
|  Common assault | 0.0% | 0.0% | 0.0% | 1.8% |
|  Assault or obstruct corrective services staff | 0.0% | 1.0% | 0.0% | 1.2% |
| Serious assault – Public officer (s 340(1)(c)-(d)/(2AA)) | n=205 | n=539 | n=343 | n=673 |
|  Serious assault – Public officer | 13.2% | 8.5% | 19.2% | 16.9% |
|  Assault or obstruct police officer | 14.6% | 14.1% | 11.1% | 11.9% |
|  Public nuisance | 17.6% | 6.7% | 12.8% | 10.1% |
|  Wilful damage | 4.4% | 14.1% | 6.4% | 11.0% |
|  Serious assault – Police officer | 7.3% | 4.1% | 10.5% | 7.1% |
|  Common assault | 6.8% | 4.1% | 4.7% | 4.2% |

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

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

Notes: (1) Counts are of ‘incidents’ – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

(2) The top five associated offences were selected for each demographic group. More than five associated offences were displayed if different demographic groups had a different top five associated offences.
















Table 4-15 is similar to the previous figure but shows data for the alternative summary offences of assaulting or obstructing a police officer or a corrective services officer.

For the summary offence of assaulting or obstructing a police officer, the most common associated offence for all demographic groups was public nuisance. This was most common for Aboriginal and Torres Strait Islander women, occurring in 41.3 per cent of incidents. There was little difference between the other demographic groups, which were all associated with public nuisance in approximately 28 per cent of incidents.

The offence of wilful damage was associated with a relatively high proportion of incidents involving the assault or obstruction of a corrective services officer. Note that the offence of wilful damage appears twice in the table below, the first reference is to the offence of wilful damage under section 469 of the *Criminal Code* (Qld), and the second reference is to wilfully damaging any part of a corrective services facility under section 124(i) of the CSA.

Unregulated high-risk activities is another summary offence that is occasionally associated with the assault or obstruction of a corrective services officer, which was only ever associated with men. The offence of unregulated high-risk activities is defined under section 14 of the *Summary Offences Act 2005* (Qld), and includes activities such as parachuting, BASE jumping, climbing or abseiling from a building or structure. Presumably, the incidents analysed here involved the climbing of prison buildings or structures.

Table 4-15: Top five associated offences for relevant summary offences by demographics

| Associated offences | Aboriginal and Torres Strait Islander | | Non-Indigenous | |
|--|---------------------------------------|----------|----------------|----------|
| | Female | Male | Female | Male |
| Assault or obstruct police officer (s 790) | n=6,806 | n=19,342 | n=13,060 | n=51,094 |
|  Public nuisance | 41.4% | 28.4% | 28.5% | 28.9% |
|  Assault or obstruct police officer | 16.9% | 12.8% | 18.4% | 12.7% |
|  Offence to contravene direction or requirement of police officer | 6.6% | 5.5% | 6.5% | 6.7% |
|  Possessing dangerous drugs | 2.9% | 4.4% | 6.1% | 7.6% |
|  Wilful damage | 5.8% | 6.7% | 4.2% | 5.6% |
|  Possession of drug utensils | 2.6% | 3.2% | 4.8% | 4.7% |
|  Trespass | 3.5% | 5.9% | 2.2% | 3.8% |
|  Contravention of domestic violence order | 2.7% | 6.1% | 2.4% | 3.6% |
|  Serious assault – Police officer | 5.1% | 3.6% | 4.2% | 2.5% |
| Assault or obstruct corrective services staff (s 124(b)) | n=11* | n=48 | n=15 | n=75 |
|  Assault or obstruct corrective services staff | 9.1% | 12.5% | 13.3% | 6.7% |
|  Unregulated high-risk activities | 0.0% | 6.3% | 0.0% | 8.0% |
|  Wilful damage | 0.0% | 10.4% | 0.0% | 5.3% |
|  Wilful damage of corrective services facility | 0.0% | 8.3% | 6.7% | 4.0% |
|  Common assault | 0.0% | 2.1% | 0.0% | 2.7% |
|  Serious assault – Corrective services officer | 0.0% | 2.1% | 0.0% | 2.7% |

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

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

Notes: (1) Counts are of ‘incidents’ – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

(2) The top five associated offences were selected for each demographic group. More than five associated offences were displayed if different demographic groups had a different top five associated offences.

(*) Small sample sizes for the associated offences (less than 10 incidents).

To provide a point of comparison, Table 4-16 provides a breakdown of the top five offences most commonly associated with the offence of common assault.








Interestingly, the offences most commonly associated with common assault were somewhat different from the offences sentenced for assaults of public officers.

The contravention of a domestic violence order was associated with common assault in 19.6 per cent of cases where the perpetrator was an Aboriginal and Torres Strait Islander man, and in 7.4 per cent of cases where the perpetrator was a non-Indigenous man.

The offence of stealing was also one of the more common associated offences for serious assault – an offence that did not appear for any of the assaults of public officers explored above. Although the proportion of cases was relatively low, it was at its highest of 5.5 per cent for Aboriginal and Torres Strait Islander women.

Other than these differences, however, common assault had many of the same associated offences as assaults of public officers, including charges of wilful damage, public nuisance and other types of assaults, such as AOBH, and assaults or obstructions of police officers.

Table 4-16: Top five associated offences for common assault

| Associated offences | Aboriginal and Torres Strait Islander | | Non-Indigenous | |
|--|---------------------------------------|---------|----------------|----------|
| | Female | Male | Female | Male |
| Common assault | n=3,372 | n=7,437 | n=4,907 | n=17,467 |
|  Wilful damage | 8.2% | 13.7% | 9.2% | 13.4% |
|  Common assault | 9.3% | 10.1% | 9.6% | 9.2% |
|  Contravention of domestic violence order | 3.6% | 19.6% | 2.3% | 7.4% |
|  Public nuisance | 8.8% | 6.7% | 6.4% | 6.1% |
|  Assault occasioning bodily harm | 3.8% | 6.4% | 3.6% | 6.0% |
|  Assault or obstruct police officer | 4.5% | 5.8% | 5.5% | 5.2% |
|  Stealing | 5.5% | 3.3% | 4.1% | 3.9% |

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

Source: Court data: QGS0, Queensland Treasury – Courts Database, extracted November 2019.

Notes: (1) Counts are of ‘incidents’ – an incident is a collection of offences committed on the same day, by the same perpetrator, and where those offences are sentenced on the same day.

(2) The top five associated offences were selected for each demographic group. More than five associated offences were displayed if the demographic groups had a different top five associated offences.

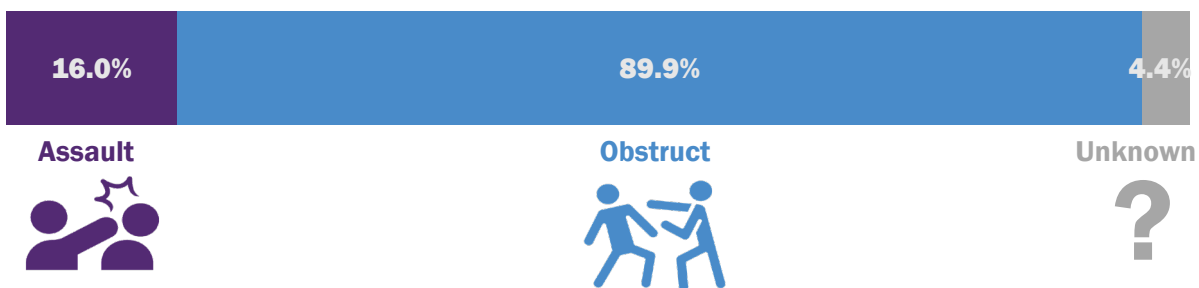
4.5 Assault or obstruction of a police officer

The majority of cases involving the assault of a police officer are sentenced as the summary offence of assault or obstruct a police officer under section 790 of the PPRA (n=85,434), as opposed to serious assault of a police officer under section 340(1)(b) of the *Criminal Code* (Qld) (n=6,538) – see section 2.5 of Chapter 2.

On 20 September 2018, section 790 of the PPRA was amended to separate the offence into two subsections: one dealing with the assault of police officers, and the other dealing with obstruction of police officers. For offences committed prior to 20 September 2018, it can be difficult to determine whether a charge under section 790(1) involved an ‘assault’ or an ‘obstruction’. To address this question, the Council obtained additional data from Queensland Court Services on the full text of the charge. This text was analysed to determine if the charge involved an assault or an obstruction; if there was ambiguity, the offence was labelled as ‘unknown’. Using this method made it possible to determine the number of assaults, as opposed to obstructions, that were sentenced under section 790(1) from 2009–10 to 2018–19.

Over this 10-year data period, the majority of cases sentenced under section 790(1) involved the obstruction of a police officer (89.9%, n=76,785). There were 13,652 cases (16.0%) that involved the assault of a police officer. In 4.4 per cent of cases (n=3,771), it was not possible to determine whether the case involved an assault or an obstruction. Some cases involved multiple charges under section 790(1) in circumstances in which there were some charges that involved an assault and other charges that involved an obstruction – when this occurred, the case was counted twice (once as an assault, and once as an obstruction), resulting in percentages that add up to more than 100 per cent. Approximately 10.1 per cent of cases involved both a charge of assault and a charge of obstruction (n=8,634).

Figure 4-9: Proportion of assaults and obstructions sentenced under section 790(1) PPRA



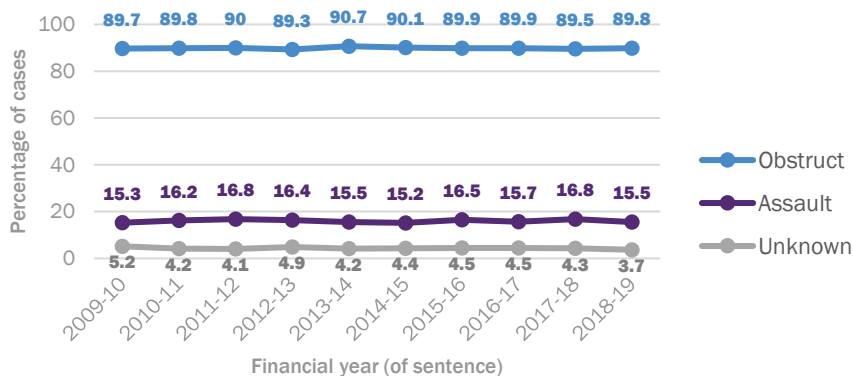
Data include adult and juvenile offenders, lower and higher courts, cases sentenced 2009–10 to 2018–19.

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

Note: Summed percentages will exceed 100% as cases involving a combination of assault, obstruct and unknown offences have been counted in each applicable category (n=8,634, 10.1%).

Analysis of changes over time have shown there has been no variation in the proportion of assault and obstruct offences sentenced under section 790(1) – see Table 4-17.

Table 4-17: Proportion of assaults and obstructions under section 790(1) PPRA



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

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

Note: Summed percentages will exceed 100% as cases involving a combination of assault, obstruct and unknown offences have been counted in each applicable category (n=8,634, 10.1%).

4.6 Serious assault cases with circumstances of aggravation

Section summary

- Since their introduction, aggravating circumstances were present in approximately 59 per cent of serious assault cases involving a police officer and 45 per cent of cases involving a public officer.
- Bodily fluids were the most common aggravating circumstance, followed by bodily harm.

From 29 August 2012, it became a statutory circumstance of aggravation to the offence of serious assault of a police officer under section 340(1)(b) of the *Criminal Code* (Qld) to assault a police officer by biting, spitting on, throwing at or applying bodily fluid or faeces to, or causing bodily harm to a police officer or, at the time of the assault, being or pretending to be armed. From 5 September the same circumstances of aggravation were extended to cover assaults of public officers under section 340(2AA) of the *Criminal Code*.

For a discussion on the sentencing outcomes for these circumstances of aggravation, please refer to section 7.5 of Chapter 7, which discusses the impact of the introduction of these statutory circumstances of aggravation.

Police officers

Table 4-18 shows the number of charges, offenders, cases and MSOs that have been sentenced for the serious assault of a police officer with, and without, circumstances of aggravation.

In the higher courts, out of the 660 cases that involved the serious assault of a police officer since 29 August 2012, 446 cases involved the presence of one or more aggravating circumstances (67.6% of cases). In the lower courts over the same period, out of the 3,890 cases involving the serious assault of a police officer, 2,149 cases involved circumstances of aggravation (55.2% of cases).

The most common aggravating circumstance involved bodily fluid being thrown at or applied to a police officer, occurring in 251 cases in the higher courts (38.0% of cases), and 1,190 cases in the lower courts (30.3% of cases). Bodily harm was caused to a police officer in 146 cases in the higher courts (22.1% of cases), and 597 cases in the lower courts (15.3% of cases). The least common type of aggravating circumstance was an offender being or pretending to be armed, with 82 cases involving this circumstance of aggravation in the higher courts (12.4% of cases) and 429 cases in the lower courts (11.0% of cases).

Table 4-18: Number of sentenced serious assaults of a police officer by offence type

| Section number | Offence description | Charges | Offenders | Cases | MSO |
|----------------------|---------------------------------|---------|-----------|-------|-------|
| Higher courts | Police officer | 998 | 653 | 660 | 387 |
| 340(1)(b) | Police officer (non-aggravated) | 380 | 288 | 290 | 74 |
| 340(1)(b)(i) | Police officer – bodily fluid | 313 | 249 | 251 | 175 |
| 340(1)(b)(ii) | Police officer – bodily harm | 180 | 146 | 146 | 98 |
| 340(1)(b)(iii) | Police officer – armed | 125 | 82 | 82 | 40 |
| Lower courts | Police officer | 5,110 | 3,655 | 3,890 | 3,225 |
| 340(1)(b) | Police officer (non-aggravated) | 2,437 | 1,907 | 1,974 | 1,385 |
| 340(1)(b)(i) | Police officer – bodily fluid | 1,390 | 1,144 | 1,190 | 987 |
| 340(1)(b)(ii) | Police officer – bodily harm | 647 | 583 | 597 | 509 |
| 340(1)(b)(iii) | Police officer – armed | 636 | 412 | 429 | 344 |

Data include adult and juvenile offenders, offences occurring on or 29 August 2012, sentenced from 2012–13 to 2018–19.

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

Note: (*) Includes police officers who were obstructed but may not have been assaulted.

Public officers

Table 4-19 shows the number of cases involving the assault of a public officer. In the higher courts, serious assault involving bodily fluid or faeces being thrown at or applied to a public officer was the most common offence as the MSO; whereas in the lower courts, non-aggravated serious assault was the most common MSO.

The less serious offence of resisting a public officer under section 199 of the *Criminal Code* was only sentenced as the MSO in 6 cases. Serious assault of a person who performed, or is performing, a duty at law had 84 sentenced cases. Serious assault of a public officer under section 340(2AA) had 49 cases sentenced in the higher courts, and 465 cases in the lower courts.

Table 4-19: Number of sentenced serious assaults of public officers by offence type

| Section Number | Offence Description | Charges | Offenders | Cases | MSO |
|----------------------|---------------------------------|-------------|------------|------------|------------|
| Higher courts | Public officer | 184 | 107 | 110 | 49 |
| 340(2AA) | Public officer (non-aggravated) | 83 | 52 | 52 | 10 |
| 340(2AA)(i) | Public officer – bodily fluid | 69 | 48 | 48 | 29 |
| 340(2AA)(ii) | Public officer – bodily harm | 21 | 19 | 19 | 9 |
| 340(2AA)(iii) | Public officer – armed | 11 | 4 | 4 | 1 |
| Lower courts | Public officer | 1028 | 740 | 775 | 465 |
| 340(2AA) | Public officer (non-aggravated) | 618 | 473 | 489 | 238 |
| 340(2AA)(i) | Public officer – bodily fluid | 248 | 188 | 198 | 135 |
| 340(2AA)(ii) | Public officer – bodily harm | 106 | 96 | 96 | 69 |
| 340(2AA)(iii) | Public officer – armed | 56 | 34 | 35 | 23 |

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

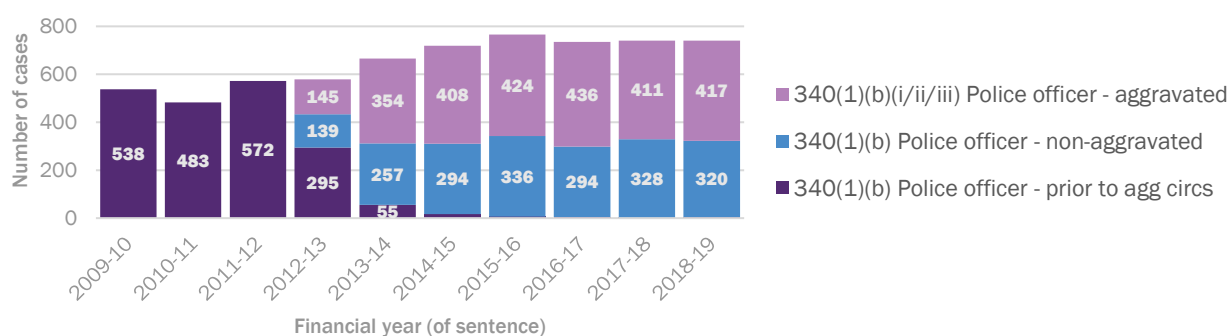
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

4.6.1 Serious assault cases with circumstances of aggravation, over time

Police officers

From 2013–14 to 2018–19, over half of all cases involving the serious assault of a police officer involved at least one circumstance of aggravation (56.1%, n=2,450) – see Figure 4-10.

Figure 4-10: Number of serious assaults of police officers, by aggravating circumstances, over time



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

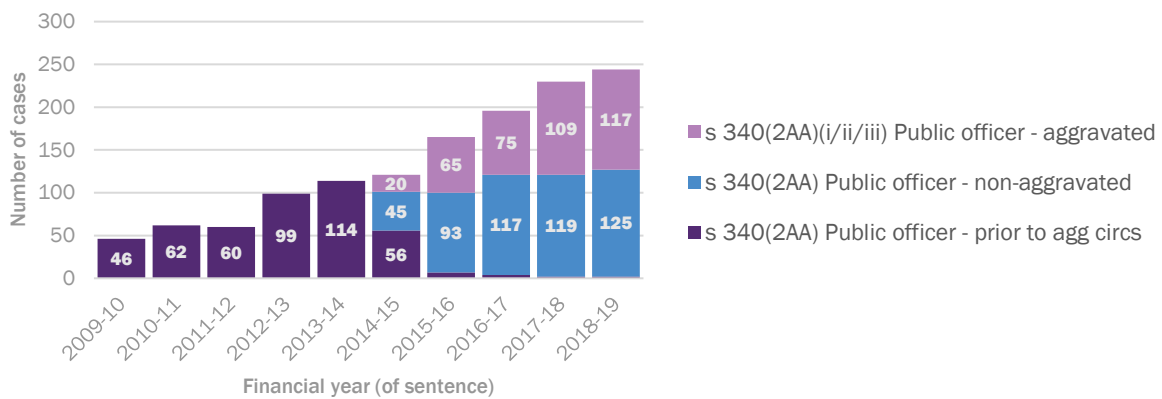
Source: QGSO, Queensland Treasury – Courts Database, extracted November 2019.

Note: Each case is counted once only; if a case contains multiple serious assaults of a police officer, where some assaults include aggravating circumstances and others do not, the entire case will be counted as one that contains aggravating circumstances.

Public officers

Figure 4-11 shows the effect of the introduction of aggravating circumstances, with an increase in the number of serious assaults of public officer offences being sentenced in the years following the introduction.

Figure 4-11: Number of serious assaults of public officers by aggravating circumstances, over time



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.

Note: Each case is counted once only; if a case contains multiple serious assaults of a public officer, where some assaults include aggravating circumstances and others do not, the entire case will be counted as one that contains aggravating circumstances. If a case involves offences in occurring both prior to and after the introduction of aggravating circumstances, the entire case will be counted in the applicable post-introduction category.