

## CSNSW Submission to the NSW Sentencing Council

# Assaults on Emergency Services Workers

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# Summary

## Introduction

Corrective Services NSW (CSNSW), a division of the Department of Communities and Justice, appreciates the opportunity to make submissions to the NSW Sentencing Council in relation to its review of sentencing for offences involving assaults on emergency services workers, including assaults on correctional staff.

CSNSW manages approximately 13,000 inmates across 36 correctional centres in NSW. There are almost 60 Community Corrections offices around the state supervising offenders in the community who are serving court orders ranging from Parole to Conditional Release Orders.

The primary objective of CSNSW is to contribute to community safety through the safe and secure management of prisoners, effective supervision offenders in the community and delivery of services and programs designed to reduce reoffending. Our capacity to achieve this objective is compromised if staff safety is not assured and failure to adequately respond to assaults on our staff is a concern for CSNSW.

CSNSW examined a range of data and sentencing transcripts for matters involving an assault on a CSNSW staff member. CSNSW identified trends and a range of causative factors which affect sentencing outcomes under section 60A of the *Crimes Act 1900* (NSW) (Crimes Act). For a variety of reasons, including the fact that most of the matters were in the Local Court, CSNSW was not able to obtain all transcripts requested, however a number were provided by various locations.

## What do the sentencing patterns for offences involving assaults on police and other essential services personnel show?

Sentencing patterns indicate section 60A of the Crimes Act and its interaction with section 56(3) of the *Crimes (Sentencing Procedure) Act 1999* (NSW) (CSP Act) (which prevents concurrent sentencing for assaults against staff), along with the special circumstances consideration prescribed by section 56(3) and supported by common law, are applied inconsistently and/or incorrectly at sentencing.

A high number of concurrent sentences are handed down for assault against staff offences where section 56(3A) has not been considered, and where special circumstances are not noted. Where special circumstances have been noted, some are irrelevant considerations, for example, the use of segregation following the offence.

Non-parole periods set by the court are also impacted by concurrent sentencing decisions, which can result in an offender being released into the community without parole supervision. This poses a risk to community safety and does not adequately promote offender rehabilitation.

## Perceptions relating to concurrent sentencing

Section 3A of the CSP Act sets out the seven purposes of sentencing (emphasis included):

- (a) to ensure that the offender is **adequately punished** for the offence,
- (b) to prevent crime by **detering the offender and other persons** from committing similar offences,
- (c) to protect the community from the offender,
- (d) to promote the **rehabilitation** of the offender,
- (e) to make **the offender accountable** for his or her actions,
- (f) to **denounce the conduct of the offender**,
- (g) to **recognise the harm done to the victim of the crime and to the community**.

Concurrent sentencing patterns are of concern because of the perception it may do little to deter violence against staff in correctional facilities. The morale of CSNSW staff and their perceptions of justice are impacted by concurrent sentencing patterns for assault against staff offences because:

- CSNSW staff perceive that assaults are viewed by the judiciary as simply a consequence of their employment;
- the inmate is not adequately punished;
- the inmate, or other inmates, are not deterred from committing further such offences;
- CSNSW staff and the broader community of essential service personnel are not perceived as adequately valued and deserving of safety and protection in the line of duty;
- the inmate is not held accountable for their actions;
- the inmate is not publicly denounced for their conduct ;
- CSNSW staff are not recognised as victims.

CSNSW recognises the need to balance deterrence and rehabilitative principles in sentencing of offenders. Breaking the cycle of reoffending is a key priority for CSNSW. Behaviour change and the rehabilitation of offenders requires CSNSW staff members to collectively feel safe and supported in a secure working environment.

### **Reasons for Concurrent Sentencing**

CSNSW identified several reasons concurrent sentencing may be occurring:

1. Section 56(3A) of the CSP Act applies only to correctional officers assaulted by 'convicted inmates' in custody, which leaves some groups of CSNSW staff who work directly with offenders unprotected and groups of inmates (such as remandees) excluded altogether.
2. Lack of knowledge by judicial officers, prosecutors and the NSW Police Force of the interaction between sections 60A of the Crimes Act and 56(3A) of the CSP Act.
3. The lack of clear, consistent common law precedents in the interpretation of special circumstances for the purposes of the application of section 56(3A) of the CSP Act and the consecutive sentencing exception.
4. Lack of specific guidance in the NSW Sentencing Bench Book relating to sections 60A and 60B of the Crimes Act and section 56(3A) of the CSP Act.
5. An apparent lack of education provided to Magistrates for sentencing purposes and to the NSW DPP and NSW Police for sentencing submissions purposes.

Note: CSNSW does not raise concern in relation to sentencing patterns under section 60B of the Crimes Act relating to assault on domestic partners of CSNSW staff.

### **Are the Penalties for offences involving assaults on police and other essential services personnel adequate?**

CSNSW considers each of the available penalties associated with sections 60A and 60B of the Crimes Act to be adequate. CSNSW has a number of concerns in relation to how the penalties are applied in practice.

### **Should other categories of emergency services workers be specified in these or other offences? If so, which categories of emergency services workers, and which offences?**

Section 60A definition of 'Law Enforcement Officer' includes correctional officers and community corrections officers. Section 56(3A) defines 'correctional officer' as those working in a

correctional centre in that capacity only. CSNSW suggests that the scope of section 60A of the Crimes Act and section 56(3A) of the CSP Act should be extended to include three categories of staff:

- correctional officers;
- community corrections staff; and
- others persons engaged to provide services directly to offenders.

## **Recommendations**

### **CSNSW makes the following recommendations to the NSW Sentencing Council:**

1. Amend the Crimes Act (section 60A) and the CSP Act (section 56(3A)) to capture all CSNSW staff who provide services directly to offenders
2. Amend the CSP Act so that both convicted and unconvicted inmates in correctional centres; and other persons under the care, control, management or supervision of the Commissioner are captured by section 56(3A).
3. Legislate special circumstances specifically for application to the section 56(3A) of the CSP Act exception to consecutive sentences; and
4. Educate Magistrates and prosecutors on the interaction between sections 60A of the Crimes Act and 56(3A) of the CSP Act; along with special circumstances considerations
5. Update the NSW Sentencing Bench Book to include specific guidance around sections 60A, 60B of the Crimes Act and 56(3A) of the CSP Act.

# 1. Context – Legislation

## 1.1 Legislative framework overview

### Purpose of Section 60A of the Crimes Act

Section 60A of the Crimes Act was introduced in 2002 to create a higher level of protection to law enforcement officers and to deter assaults against them, regardless of whether or not they were on or off duty. The Hon. Bob Debus MP stated in his second reading speech:

*“...Section 60A of the bill mirrors the protections provided to police officers in section 60 of the Crimes Act for ... the Department of Corrective Services ....*

*This will mean that a person who assaults, stalks, harasses or intimidates one of these law enforcement officers while in the execution of his or her duty, whether on or off duty, will be liable to imprisonment...”<sup>1</sup>*

Further, the Hon. Bob Debus MP acknowledged the Court’s recognition that assault on a law enforcement officer is a particularly serious offence:

*“...this bill makes it abundantly clear that our law enforcement officers and their immediate families should not be targeted by anyone with ill intent. It is therefore appropriate that specific recognition and additional protections should be afforded to front-line law enforcement officers at large.”<sup>2</sup>*

### Purpose of Section 56 of the CSP Act

The legislative intent of Section 56 of the CSP Act is to provide personal and general deterrence for violence against correctional officers, by introducing a preclusion of concurrent sentences for assaults on correctional officers by convicted inmates.<sup>3</sup>

## 1.2 Interaction between Section 60 of the Crimes Act and s 56 of the CSP Act

Section 60A of the Crimes Act makes it an offence to assault a Law Enforcement Officer (LEO), other than a police officer.

Section 56(3A) of the CSP Act interacts with section 60A of the Crimes Act by providing additional considerations for sentences of imprisonment imposed for an assault or offences against a LEO committed by a convicted inmate in a correctional centre.

Section 56(2) of the CSP Act prescribes that a sentence is to be served consecutively, unless special circumstances justify the court to direct the sentence be served concurrently (or partly concurrently). Where special circumstances are the basis for a concurrent sentence under section 60A of the Crimes Act, it must be reported.

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<sup>1</sup> The Hon. Bob Debus MP (Attorney General & Minister for Emergency Services), Crimes Amendment (Police and Other Law Enforcement Officers) Bill. Legislative Assembly Second Reading Speech, 27 June 2002.

<sup>2</sup> As Above, 9.

<sup>3</sup> The Crimes Legislation Amendment Bill 2002 Explanatory Note states that the CSP Act was amended to include section 56:

*“...to enable a Local Court to impose a sentence of imprisonment that is consecutive on another sentence of imprisonment imposed by a Local Court that will result in a total accumulated sentence of up to 3 years and 6 months if the new sentence relates to an offence involving an assault on a correctional officer committed by the offender while a convicted inmate of a correctional centre.”*

Section 60A of the Crimes Act covers assaults when the LEO is on or off duty, irrespective of whether the person assaulting the LEO is an inmate/offender or not. The maximum penalties available under section 60A for assault by a person and other actions against LEO (other than police officers) by a person are:

- 5 years' imprisonment where no actual bodily harm is occasioned (section 60A(1))
- 7 years' imprisonment for assault occasioning actual bodily harm (section 60A(2))
- 12 years' imprisonment if the element of recklessness to causing actual bodily harm is proven (section 60A(3))

When section 60A is compared to general assaults [e.g. sections 61, 59, 35(2)] against the person under the Crimes Act, there are higher penalties across all types of assaults against LEOs. CSNSW supports the approach for assaults against staff; however, it is important to note that this protection only extends to the categories of CSNSW staff assigned under the definition for LEO.<sup>4</sup>

Crimes Act Provision	Maximum Penalty
Section 61 - Common Assault	2 years imprisonment
Section 60A(1) - Assault where no actual bodily harm is occasioned to <b>the law enforcement officer</b>	5 years imprisonment
Section 59 - Assault occasioning actual bodily harm	5 years imprisonment
Section 60A(2) - Assault <b>law enforcement officer</b> occasioning actual bodily harm	7 years imprisonment
Section 35(2) - Reckless infliction of grievous bodily harm	10 years imprisonment
Section 60A(3) - Wound or cause grievous bodily harm; & reckless to the infliction of actual bodily harm to <b>a law enforcement officer</b>	12 years imprisonment

Table 1: Comparison of penalties between assault provisions in the Crimes Act

Section 60B of the Crimes Act extends the offences to domestic partners of correctional officers as third parties. The maximum penalty for a person who assaults, stalks, harasses or intimidates a domestic partner of a law enforcement officer with the intent of causing the law enforcement officer fear of harm, is imprisonment for 5 years.

### 1.3 Correctional Centre Discipline

In addition to the above provisions relating to assaults on correctional officers by inmates, Division 6 of the *Crimes (Administration of Sentences) Act 1999* (NSW) (CAS Act) prescribes the correctional centre discipline framework. This framework is supported by the *Custodial Operations Policy and Procedures (COPP) - 13.4 Assault* which stipulates that all serious assaults against correctional officers must be reported to NSW Police.

Serious assault includes any sexual assault or assault against a correctional officer or community corrections officer. Common assaults must be reported to the police if a victim

<sup>4</sup> Noting the definition of 'Law Enforcement Officer' under section 60AA(h)-(i) of the *Crimes Act* extends to the: Commissioner of Corrective Services, governors of correctional centres, correctional officers and community corrections officers, within the meaning of the *Crimes (Administration of Sentences) Act 1999*.

requests police action or if there is video evidence of the assault being committed (regardless of any request by a victim).

The definition of a correctional centre offence means any act or omission by an inmate (whether or not it is also a criminal offence):

(a) that occurs while the inmate is within a correctional centre or correctional complex or is taken to be in the custody of the governor of a correctional centre, and

(b) that is declared by the regulations to be a correctional centre offence for the purposes of this Division.

Schedule 2 of the *Crimes (Administration of Sentences) Regulation 2014* (CAS Regulation) provides the list of correctional offences which includes aggression type offences such as assault, fight or engages in other physical combat, intimidation. The CAS Regulation also prescribes the penalties (withdrawable privileges) that may be imposed.

### Interaction between Correctional Centre Discipline and Criminal Offence Proceedings

The correctional centre disciplinary framework and its interaction with criminal offence proceedings was considered in *Director of Public Prosecutions (NSW) v Hamzy*.<sup>5</sup> The Supreme Court decision noted that if a Governor of a correctional centre finds an inmate guilty of a correctional centre offence, the decision is an administrative decision; it is not a conviction. The decision of the Governor does not have the status of a judicial determination.

Further, section 63(2) of the CAS Act (Double Jeopardy) stipulates that proceedings for a correctional centre offence are not to be commenced or continued if proceedings for a criminal offence have commenced in a court.

In practice, the correctional centre offence procedure is not considered to be engaged if the disciplinary proceedings commenced by the Governor have concluded at the time criminal proceedings for the same act or omission have commenced. Section 63(2) allows a temporal sequence of events, where a Governor may conduct an inquiry and impose penalties under section 53 of the CAS Act, and the inmate may receive a penalty a second time in criminal proceedings, which commence after the conclusion of an inquiry by the Governor.<sup>6</sup>

## 1.4 Limitations within the current legislative regime

CSNSW has identified gaps in the provisions that deal with assaults against staff, which causes assaults to be treated differently according to whether the inmate is sentenced or un-sentenced, or whether the staff member is a correctional officer, community corrections officer or otherwise engaged to provide services directly to offenders:

Legislative Provision	Description	Gap
Section 60AA(h)–(i) Crimes Act	Defines categories of 'Law Enforcement Officer' as the:  ...Commissioner of Corrective Services, governors of correctional centres, correctional officers and community corrections officers, within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i> .	<ul style="list-style-type: none"> <li>The definition of 'Law Enforcement Officer' does not capture categories of civilian CSNSW staff engaged to provide services directly to offenders.</li> </ul>

<sup>5</sup> [2019] NSWCA 314

<sup>6</sup> Definition of 'Correctional Centre Offence' s127; Penalties: Div 6, s53 CAS Act; Offences: cl 134-156 & Schedule 2 of the CAS Regulation.

<p><b>Section 60A Crimes Act</b></p>	<p>Outlines various types of assaults against Law Enforcement Officers by persons and the associated penalties of imprisonment.</p>	<ul style="list-style-type: none"> <li>• There is no reference to the exception in concurrent sentencing contained in section 56(3A) of the CSP Act.</li> <li>• The use of 'Law Enforcement Officer' does not capture all CSNSW staff who may be at risk of assault by inmates and offenders in the community.</li> </ul>
<p><b>Section 56(3A) CSP Act</b></p>	<p>Outlines an exception to concurrent sentencing, providing that:</p> <p>...An offence involving an assault, or other offence against the person, against a <b>correctional officer</b> committed by the offender while a <b>convicted inmate</b> of a <b>correctional centre</b>...</p> <p>Which further includes a special circumstances exception:</p> <p>...unless the court is of the opinion that there are <b>special circumstances</b> justifying such a direction.</p>	<ul style="list-style-type: none"> <li>• Division 2 of the CSP Act only applies to assaults by convicted inmates, which excludes the high number of inmates on remand.</li> <li>• The use of 'convicted inmate' does not capture inmates on remand or who are police bail refused in police cells and court locations committing assault, resulting in different sentencing outcomes for un-sentenced and sentenced inmates; and offenders in the community.</li> <li>• The use of 'correctional officer' does not capture assaults against other staff who work directly with offenders including Community Corrections staff.</li> <li>• The prescribed location of assaults only captures those that occur in a correctional centre, neglecting the assaults that occur at other locations, such as community corrections offices and police cells and court locations.</li> <li>• The scope of special circumstances is extremely wide in common law and has been misapplied in sentencing.</li> </ul>

**Table 2: Legislative gaps identified in provisions relating to assaults on CSNSW staff**

## 2. Comparison of NSW sentencing decisions for assaults- analysis of the data .

### 2.1 BOCSAR Data

#### **Section 60A assaults data**

The Bureau of Crime Statistics & Research (BOCSAR) data set examined by CSNSW related to instances of assault under section 60A and court outcomes for the period 2014 to 2019, and specifically January to June 2019 (excluding 2017). The data used applied to court outcomes where the offender status was still in custody at the time of the court finalisation (**attachment 1**).

	Assault LEO no ABH 60A(1)	Assault Police no ABH 60(1)	Assault LEO with ABH 60A(2)	Assault Police with ABH 60(2)	Inflict GBH LEO reckless to ABH 60A(3)	Inflict GBH on Police reckless to ABH 60(3)
2019 number of Withdrawn	10	8	1	3	0	1
2019 number of Guilty Outcomes	75	55	19	19	0	0

Table 3: comparison of number of Police and Law Officer (Not Police) assault matter outcomes, 2019

Assault law officer charge finalisations for the period showed consistent guilty outcomes, however, this particular charge also had the highest number of withdrawn charges by prosecution per year out of the data set. In 2018 and 2019 there were over ten charges withdrawn per year by the prosecution. In 2019, 44 matters were finalised with a guilty outcome, 4 were dismissed on mental health grounds and two were withdrawn by the prosecution. One matter was finalised as not guilty. In January to June 2019 alone, there were 75 guilty findings, which is higher than previous years.

Finalisations of assault occasioning actual bodily harm charges under section 60A were consistent for the 2014-2019 period, with between zero and one not guilty outcome for each year. There were a low number of matters which were withdrawn by the prosecution. The highest number of matters dealt with via the Drug Court or by death fall under this charge, with six in 2018.

Grievous bodily harm charges, reckless to actual bodily harm had very low numbers for the period. However it is worth noting that in 2018 all four charges for the year were withdrawn by the prosecution. When these statistics are compared with other charges, for example, section 60(1)-(3) assault police, all numbers associated with assault Police and Law officer (not police) have minimal outcomes where the charge was dismissed due to mental illness/health.

Evidence gathering technology, such as body worn video cameras in correctional centres may assist in cases where charges are withdrawn due to lack of evidence or evidence related issues.

### **Section 60B data**

Overall there are smaller numbers of matters falling under section 60B of the Crimes Act for the period 2014 to 2019 in comparison to section 60A. The numbers of guilty findings are fairly consistent for each year, apart from numbers for stalk/harass/intimidate (section 60B(1)), which fell from 12 in the 2013-14 period, to one in 2018-19.

There were no guilty findings for assault under section 60B(1) for the 2014-2019 period, where only one finding of not guilty was found in 2013-14 and two instances of "other" outcomes in 2014-15, which have not been defined by BOCSAR (**attachment 2**).

## 2.2 CRES Data

### ***Correctional Centre Offence Data***

The Corrections Research, Evaluation and Statistics unit (CRES) provided detailed assault on staff incident data (showing number of assault victims) for the period 2014 to 2020, split into:

- *Assault*, defined as acts of physical violence resulting in a physical injury but not requiring overnight hospitalisation or on going medical treatment; and
- *Serious assault*, which includes acts of physical violence resulting in injuries that require treatment involving overnight hospitalisation in a medical facility or ongoing medical treatment, as well as all sexual assaults.

CRES has defined 'staff victims' as being both uniformed and non-uniformed staff, however for location purposes, a higher proportion of the data are expected to be uniformed correctional officer assault incidents. For most of the period 2014-2020, assaults on staff incidents are over 200 incidents per year across all NSW correctional centres, which hold a total approximately inmate population of 13,000 inmates.

The Metropolitan Remand and Reception Centre (MRRC), which is a major remand centre, has consistently high numbers of assaults on staff incidents over the entire period with numbers between approximately 30-50 incidents per year. The Metropolitan Special Purpose Centre (MSPC), Lithgow Correctional Centre (CC) and Parklea CC, 2019-20 attracted 50 incidents. While these remand centres (excluding Lithgow CC) have a high number of inmates, other correctional centres house sentenced inmates, which highlights the propensity for more assaults to occur in remand centres. For the entire 2014-20 period, there was only one reported serious assault which occurred at MSPC in 2019-20 (**attachment 3 is not for dissemination as it includes identifiers**).

For the entire period examined, the correctional centre offence penalties available under section 53 of the CAS Act imposed at the highest rate were 'off buy-ups', 'off contact visits' and 'cells'. Two offences for the period were referred to NSW Police for further action. The numbers of sentenced and un-sentenced inmates who were responsible for assaults against staff incidents were almost equal in the latter portion of the period examined.

The definition of 'assault' used by CRES in this study highlights the potential for many of the assaults on staff incidents to be mandatorily reported to NSW Police and prosecuted under section 60A of the Crimes Act. CSNSW endeavours to reiterate the availability for staff to opt in to NSW Police reporting for common assaults, in accordance with the COPP policy, for further action under section 60A. CSNSW continues to support staff that wish to pursue criminal charges for assault offences.

### ***CRES NSW Police Reporting Data***

CSNSW analysed the propensity of CSNSW staff opting to report assaults to NSW Police for further action outside of the mandatory reporting obligations (meaning instances where the assault was not categorised by policy as being a 'serious assault') for the period 2014 to 2020.

As indicated by the data below, staff opted to report between 24 to 34 percent of assault incidents, noting that the total numbers relate to the number of incident reports, not victims. Categories for both 'minor' and 'no injury' recorded the lowest numbers of staff opting to report the incident to NSW Police, indicating staff reluctance to report common assaults, potentially caused by a low level of staff confidence in court outcomes relating to assaults on staff.

Financial Year	Number of assault on staff incidents										Percentage of Taking Police Action Incidents						
	Critical/Serious		Moderate		Minor		No Injury		Unknown		Total Police Action	Total Assault on Staff	Critical/Serious	Moderate	Minor	No injury	Total
	Taking Police Action	Total	Taking Police Action	Total	Taking Police Action	Total	Taking Police Action	Total	Taking Police Action	Total							
14/15	0	0	5	8	12	30	10	40	0	1	27	79	0.0%	6.3%	15.2%	12.7%	34.2%
15/16	0	0	7	14	26	64	16	83	0	4	49	165	0.0%	4.2%	15.8%	9.7%	29.7%
16/17	1	1	8	14	16	62	20	97	0	1	45	175	1.3%	4.6%	9.1%	11.4%	25.7%
17/18	0	0	7	13	22	59	15	104	0	4	44	180	0.0%	3.9%	12.2%	8.3%	24.4%
18/19	0	0	10	15	20	58	24	100	0	1	54	174	0.0%	5.7%	11.5%	13.8%	31.0%
19/20	1	1	3	8	35	90	24	152	0	1	63	252	1.3%	1.2%	13.9%	9.5%	25.0%

Note: \* The number of assault on staff refers to the number of Assault Staff incidents in IRM.

\*\* Incident injury level data was collected from responses to IRM question "Severity of Injuries".

\*\*\* Incident injury level "Unknown" refers to no responses to IRM question "Severity of Injuries".

\*\*\*\* "Taking Police Action" refers to incident reported "yes" to IRM question "Assaulted staff taking police action"

**Table 4: Assault on staff incidents per year between 2014 and 2020 where staff opted into reporting to NSW Police**

## CRES Sentencing Data

Analysis of CRES data of inmates who had been sentenced to a term of imprisonment for an incident of violence against CSNSW staff while in custody between June 2014 and July 2019 was undertaken.

The majority of the matters were prosecuted as *Assault and other actions against law enforcement officers (other than police officers)* pursuant to section 60A of the *Crimes Act 1900*. Of the 90 sentences for violent offences, only 17 of these were consecutive sentences (**attachment 4 is not for dissemination as it includes identifiers**).

The data contained in table 5 demonstrates high numbers of assaults against staff are occurring, with low numbers of prosecutions and even lower consecutive sentencing outcomes. This has significant implications on staff confidence in relation to safety in the workplace and confidence to pursue assault charges in the future. This indicative of a lack of general deterrence as intended by parliament and in court sentencing principles for assaults against staff.

Most serious offence	Total
Assault law officer (not police officer)-T2	59
Reckless grievous bodily harm -T1	1
Wound person with intent to cause grievous bodily harm-SI	1
Assault occasioning actual bodily harm-T2	5
Assault law enforcement officer (not police) inflict ABH-T1	24
<b>Total</b>	<b>90</b>

**Table 5: Categories of violent offences against correctional officers, 2014-2019**

## 2.3 Worker's Compensation Data

Assaults on CSNSW staff have a broad organisational impact including loss of experienced operational workforce. From 1 July 2014 to 30 June 2020 there were 474 incidences of physical injury (as defined by the dataset) and three incidences of psychological injury resulting from an assault. The highest number of recorded physical assault claims occurred in the 2018-19 financial years (85 assaults) and 2019-20 financial year (84 assaults). The average weekly benefits duration for claims during the period was 53.7 weeks. Over the six year period the

highest number of assault claims occurred at correctional centres that house large proportions number of un-sentenced inmates including:

1. MRRC (94)
2. Court Escort Unit (44)
3. Lithgow CC (34)
4. Long Bay Hospital (29)
5. Silverwater Women's (27)
6. MSPC (23)

This pattern provides further impetus for the expansion of section 56(3A) to include assaults by remand inmates and not just convicted inmates. It highlights the personal effect assaults have on staff as illustrated by average time they received benefits (over 50 weeks). When compared against the CRES data on staff assault reporting, there are a higher number of worker's compensation claims for assaults than the number of staff who have engaged reporting of assaults. This further indicates low staff confidence levels in the court system in dealing with assault on staff incidents and lower reporting to Police as a consequence.

## 3. Recent trends in assaults and in sentencing decisions

### 3.1 NSW Sentencing Bench Book guidance on assaults sentencing

The NSW Bench Book provides some sentencing guidance for assaults against prison officers in the form of considering general and personal deterrence.<sup>7</sup> The Bench Book does not provide specific guidance on sentencing under sections 60A, 60B of the Crimes Act, but does provide guidance on assaults generally, including specific sentencing considerations and common law relating to sections 58 and 60 of the Crimes Act (assault police officer in the execution of duty).<sup>8</sup>

General guidance contained in the Bench Book for sentencing assaults by a convicted inmate includes:

1. If the court makes an order under section 56(3) of the CSP Act that the second sentence is to be served concurrently or partly consecutively, the reasons for doing so must be exposed.<sup>9</sup>
2. the sentence handed down did not adequately reflect the seriousness of the crime and weight was not given to general deterrence in sentencing.<sup>10</sup>
3. In *Banks v R* [2018] NSWCCA 41, the judge erred by wholly accumulating a sentence for recklessly wounding an inmate, on lengthy sentences already being served, resulting in an overall non-parole period of 14½ years - that was 92% of the overall head sentence. It was in both the community and the applicant's interests that a longer period than 15 months of supervision on parole be available.<sup>11</sup>

There is also limited guidance in the bench book in relation to applying section 56(3A) of the CSP Act. While there is general guidance for the consideration of special circumstances in the form of a categorised list, it is not specific to the consecutive sentencing exception contained within section 56(3A). This lack of clarity may leave judicial members inadvertently unaware of

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<sup>7</sup> [50-130] Particular types of personal violence

<sup>8</sup> [50-000] [Assault, wounding and related offences](#)

<sup>9</sup> *R v Hoskins* [2004] NSWCCA 236 at [31].

<sup>10</sup> *Ibid* at [62]–[63] citing *R v Fyffe* [2002] NSWSC 751. See also *R v Windle* [2012] NSWCCA 222 at [56].

<sup>11</sup> *Banks v R* at [32]–[34].

the existence of this provision, its interaction with section 60A of the Crimes Act and its exception under special circumstances.<sup>12</sup>

Further, there appears to be room for judicial officers to apply circumstances which are not special circumstances, such as segregation and UOF (see section 3.4 below), noting that protective custody is a sentencing consideration under section 21A of the CSP Act which is separate to segregation.<sup>13</sup>

The general theme in sentencing assaults appears to be a lack of clarity in the interaction between section 60A of the Crimes Act with section 56(3A) of the CSP Act. Many cases CSNSW analysed involving the application of section 60A made no mention of section 56(3A), often did not mention special circumstances and the sentences handed down were mostly concurrent rather than consecutive.

This raises several potential deficiencies in sentencing under section 60A of the Crimes Act:

1. Sentencing submissions made by the NSW Police Prosecutors and/or NSW Director of Public Prosecutions (DPP) fail to raise section 60A of the Crimes Act and its interaction with section 56(3A) of the CSP Act as a sentencing consideration; indicating prosecutors may be unfamiliar with the provisions and may need education and guidance;
2. Judicial officers do not have clear guidance on the existence or application of section 56(3A) of the CSP Act due to a lack of information contained in the Bench Book; and
3. Judicial officers may lack clarity around special circumstances applicable to section 56(3A) as they rely on a wide range of common law precedents which may be inadequate in relation to the special circumstances exception contained in the provision.

CSNSW is aware that the scope of assault is based in common law and offence seriousness is evaluated via the *De Simoni* principle.<sup>14</sup> CSNSW has considered various factors relating to the prevalence of staff assaults and associated outcomes, including initial CSNSW mandatory reporting of serious assaults to NSW Police under the applicable CSNSW policy and procedures for assaults on staff, the decision making to charge and prosecute, the withdrawal of charges, as well as sentencing outcomes.

### 3.2 Local court outcome data

A large proportion of inmate on correctional officer assaults are dealt with in the Local Court. For this reason, CSNSW encountered some difficulty in obtaining all transcripts from 2014 to 2019 to undertake further research to gain an understanding of sentencing trends, including concurrent sentencing and whether special circumstances were considered; and if so, what the court considered constituted special circumstances.

A number of transcripts were provided (**attachment 5**) which enabled CSNSW to conduct analysis in relation to sentencing patterns. There appeared to be the inconsistent application of section 56(3A) and special circumstances in a number of matters. This oversight potentially provides an avenue to appeal these matters on a question of law, where the court has not considered section 56(3A) of the CSP Act and has handed down a concurrent sentence for a section 60A of the Crimes Act offence, void of any noted special circumstances consideration.

A review of published decisions for section 60A of the Crimes Act showed that where the sentences were consecutive to the non-parole period, there was often no reference or limited reference in the judgment to 'special circumstances' pursuant to section 56(3A).

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<sup>12</sup> [\[7-514\] What constitutes special circumstances?](#)

<sup>13</sup> [\[10-500\] Hardship of custody](#)

<sup>14</sup> [\[1-500\] De Simoni principle](#)

The sentencing outcomes relating to assaults against staff do not appear to adequately reflect the original intent of the legislation, or the underlying sentencing principles, including deterrence and rehabilitation, which must be addressed.

A number of judgments acknowledged the difficult and stressful job of being a correctional officer. However some staff report that sentence outcomes do not reflect the dangerousness or risk of the role.

CSNSW is supportive of a refined approach to sentencing, by way of legislating special circumstances and by providing further education and guidance to Magistrates and Police prosecutors in the application of section 56(3A) and its interaction with section 60A.

### 3.3 Concurrent sentencing trend

Sentencing trends under section 60A of the Crimes Act indicate that not all the sentencing principles are being considered. The trend in concurrent sentencing for assaults gives the perception to staff and inmates that there is no penalty for assaulting a correctional officer (or other staff member) and a lack of general deterrence against assaults on corrective services staff. The imposition of a penalty that provides no additional consequence, counter to the importance of section 56(3A) of the CSP, can appear to be a perfunctory exercise.

Sentencing outcomes for inmate assaults against correctional officers is a recurring concern raised during CSNSW consultations with the Public Service Association (PSA) and in particular the Prison Officers' Vocational Branch (POVB). While the risk of assault to CSNSW staff in the line of duty is higher than in the community, any staff member who is assaulted is a victim of crime and likely to experience trauma and all the emotions associated with experiencing violence. This is further compounded by the fact that the victim has to return to location of where the crime was committed. Assaults in the workplace are also subject to workers compensation with financial consequences for taxpayers, and impact on overall community safety. CSNSW staff express the view that assaults on staff by inmates in custody are not treated by the courts with the same level of seriousness as assaults in the community.

Following the February 2019 decision in *Hamzy v R*, where the court imposed a permanent stay of criminal proceedings for assaulting a law enforcement officer under section 60A of the Crimes Act, CSNSW staff voiced concerns about their lack of confidence in the adequacy of convictions for assaults against staff. The District Court decision precipitated the first state-wide industrial stoppage in well over a decade in support of enhanced protections for staff.

At the same time, CSNSW commenced research on sentencing trends in relation to correctional officer assaults. Various data sources demonstrated there is a clear disparity between the numbers of assaults against staff occurring compared with those prosecuted under section 60A of the Crimes Act. There are a significantly lower number of prosecutions and court finalisations for assaults against staff. Anecdotally, some CSNSW staff reported that they do not proceed to criminal charges following an assault by an inmate, as they feel they are not supported by the criminal justice system.

The data shows that a large number of assaults against staff occur at locations housing a large number of remand inmates, suggesting many un-sentenced inmates are involved in assaults against staff. This links the low number of sentencing under section 56(3A) and the low number of consecutive sentences. Further sentencing transcripts have also identified instances where section 56(3A) has not been utilised, or has been misapplied in light of factors which are not considered to be special circumstances.

The subsequent appeal in the Hamzy matter considered inmate disciplinary and incentive policies, along with criminal proceedings; resulting in the inmate's conviction for assaulting a staff member being upheld.<sup>15</sup> The Court considered the interaction of section 60A of the Crimes Act with section 56(3A) of the CSP Act in sentencing for convicted inmates; and the

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<sup>15</sup> *DPP v Hamzy* [2019] NSWCA 314.

application of special circumstances under section 56(3A), which in some cases, has been incorrectly extended to inmate segregation and inmate Behaviour Management Plans.

CSNSW behaviour management policies are separate from criminal proceedings and cannot be considered as special circumstances. Unlike aggravating and mitigating sentencing factors which are clearly listed in section 21A of the CSP Act, there is a lack of set parameters in the interpretation of special circumstances, due to the lack of available precedents.

### **Behavioural Management Plans**

The *Crimes (Administration of Sentences) Amendment (Inmate Behaviour) Bill 2019* introduced a mechanism to manage inmate behaviour using incentive based schemes that are separate from the existing correctional discipline process contained in Division 6, Part 2 of the CAS Act, under a new section 65A of the CAS Act.

The introduction of Behaviour Management Plans (BMP) under section 65A allows for an immediate response to negative inmate behaviour, to ensure the safety of staff and other inmates, and can include increasing or decreasing withdrawable privileges in order to encourage positive inmate behaviour, rather than employing delayed punitive measures as a deterrent under Division 6, Part 2 of the CAS Act.

The initial decision of the District Court in *Hamzy v R* in February 2019 created uncertainty about the ability of CSNSW to use incentive-based schemes in the form of BMPs. Section 65A introduces a discretionary power for the Commissioner of Corrective Services to adopt policies to manage inmate behaviour, outside of any proceedings or penalty for the related offence.<sup>16</sup>

## **3.4 Sentencing Differences between sentenced and un-sentenced inmates**

There are unintended sentencing outcomes occurring between sentenced and un-sentenced inmates under section 56(3A) of the CSP Act. The mandatory consecutive sentence requirement in the section only applies to 'convicted inmates' in custody. Given that many matters for remand inmates are bundled together, meaning that the original remand offence is heard and sentenced along with the section 60A of the Crimes Act offence, concurrent sentencing may occur in these circumstances without the consideration of section 56(3A) of the CSP Act.

Common law demonstrates that this is not always the case - in *R v Jeremiah*<sup>17</sup> the consecutive sentencing intent of the provision was still applied in which an unconvicted inmate assaulted a correctional officer while on remand, despite section 56(3A) of the CSP Act applying only to 'convicted inmates'.

The Bench Book does provide some guidance by referring to a common law case which stated that the intent of Parliament was to cover all persons in a correctional centre, not just those inmates who are convicted:

*"Full accumulation of the sentence in this case would be consistent with the legislative policy underlying s 56(2) of the Crimes (Sentencing Procedure) Act 1999 (NSW).*

*That section provides that where a convicted inmate commits an offence against the person while serving a sentence of imprisonment yet to expire, his sentence for the offence committed in custody is to be consecutive upon the pre-existing term, unless otherwise ordered.*

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<sup>16</sup> Crimes (Administration of Sentences) Amendment (Inmate Behaviour) Bill 2019 Explanatory Note.

<sup>17</sup> [2016] NSWCCA 241.

*The respondent was not a “convicted inmate” at the time of the assault. Section 56 does not apply to him. But the full accumulation which the Court on this appeal considers appropriate is certainly not in tension with the objectives of s 56.”<sup>18</sup>*

To counteract the sentencing division between sentenced and un-sentenced inmates, CSNSW would support an amendment to expand section 56(3A) of the CSP Act to specifically include all inmates in custody, as well as offenders supervised in the community to provide consistent court outcomes for those charged under section 60A of the Crimes Act.

### **3.5 Special circumstances**

Section 21A of the CSP Act contains a list of specific mitigating factors to be taken into consideration on sentencing by the court, however, a list of special circumstances has not been legislated in respect of section 56(3A) of the CSP Act.

The NSW Sentencing Bench Book (‘Bench Book’) provides a general reference to common law for guidance around what constitutes special circumstances; however, the special circumstances exception in section 56(3A) of the CSP Act is not specifically covered in the Bench Book.

The Bench Book outlines general categories of special circumstances which have been established via common law:

- rehabilitation;
- risk of institutionalisation;
- drug and alcohol addiction;
- first custodial sentence;
- ill health, disability or mental illness;
- accumulation of individual sentences;
- protective custody;
- age;
- hardship to family members;
- self-punishment;
- parity;
- sentencing according to past practices.

In light of the broad common law basis for ‘special circumstances’, further education and clarity for Magistrates and legal practitioners around section 56(3A) of the CSP Act may be warranted for clear prosecution of cases involving inmates assaulting correctional officers.

#### **Concurrent sentencing and Non-parole periods**

CSNSW is concerned about how the court applies penalties for assaults in light of special circumstances. Poor or incorrect consideration of special circumstances may be resulting in a low number of inmates receiving consecutive sentences.

A flow on effect of concurrent sentencing is a shorter non-parole period than if a consecutive sentence had been handed down, or the potential for an offender to be released into the

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<sup>18</sup> Meagher JA, Davies; Fagan JJ *R v Jeremiah* [2016] NSWCCA 241 at [12].

community with no supervision and adequate intervention to ensure rehabilitation and reintegration. This poses a risk to society, undermines staff confidence and increases the risk of assaults, while compromising the good order and security of correctional centres.

### **Inmate segregation**

In an unreported Local Court case in 2016, consideration of an inmate's period in segregation following an assault on a correctional officer was taken into account as a special circumstance on sentencing.<sup>19</sup> This particular case demonstrates the incorrect application of special circumstances as outlined in the NSW Bench Book and CSNSW policy, surrounding the use of segregation post assault. The purpose of segregation as routine management of a correctional centre differs from the consideration of protective custody and subsequent detention under protection in sentencing.

The CSNSW *COPP: section 10.2 inmate assaults on staff* sets out the policy response to inmate on staff assaults. The purpose of segregation post assault is to maintain the safety, security and good order of the correctional centre. It is also a response to manage inmate behaviour and ensure CSNSW maintains its duty of care to other inmates, staff and visitors. The use of segregation is outlined in the CAS Act and contains specific safeguards which include mandatory reporting and review periods.<sup>20</sup> It is not a punishment.

As it currently stands, the inmate must prove to the court that the segregation was direct punishment for the offence, and not simply an administrative decision in response to the obligation to maintain the good order and security of a correctional centre, safety of staff and other inmates. While the Bench Book provides ample guidance in relation to protective custody and hardship, segregation does not fall within the scope of protective custody.

### **3.6 Discretion in sentencing where excessive use of force implemented**

The Use of Force (UOF) to manage an inmate has been referenced in a number of judgments relating to section 60A assaults.<sup>21</sup> CSNSW policy is that UOF is only used when there is no other option available to manage the situation and must be proportionate to bring the situation under control.

CSNSW UOF procedure is detailed in the *COPP 13.7 Use of force*. Correctional officers must use alternative non-physical methods to resolve problematic behaviour whenever possible. Where UOF is required, it must only be proportionate to bring control and protection to the situation and maintenance of good order, discipline and security of the correctional centre.

Clause 131(4) of the CAS Regulation prescribes the situations in which a correctional officer may use force (if cl 131(1-3) are satisfied). This is particularly relevant to situations of inmate on staff assault as it is lawful for a correctional officer to use force to:

- (d) to defend himself or herself if attacked or threatened with attack, but only if the officer cannot otherwise protect himself or herself from harm,*
- (e) to protect other persons (including correctional officers, departmental officers, inmates and members of the public) from attack or harm, but only if there are no other immediate or apparent means available for their protection,*
- (f) to avoid an imminent attack on the correctional officer or some other person, but only if there is a reasonable apprehension of an imminent attack,*
- .....
- (j) to achieve the control of inmates acting defiantly,*
- (k) to avoid imminent violent or destructive behaviour by inmates,*

<sup>19</sup> *R v Doolan* (2016), unreported.

<sup>20</sup> Division 2, *Crimes (Administration of Sentences) Act 1999*.

<sup>21</sup> *R v Attalah* [2019] NSWDC 381; *R v Mohammad* (2018), unreported.

- (l) to restrain violence directed towards the correctional officer or other persons by an uncontrollable or disturbed inmate,
- (m) to prevent or quell a riot or other disturbance

A court's consideration of the use of excessive force as a special circumstance consideration in sentencing is reasonable. Following the NSW Independent Commission against Corruption's (ICAC) recent Operation Estry investigation and recommendations, focusing on the UOF in NSW correctional centres, CSNSW introduced a tiered model for reviewing UOF incidents in 2019. This model aims to provide transparency where there has been an allegation of excessive UOF against an inmate.

CSNSW refers more serious incidents to the newly established UOF Review Committee for independent review, while less serious Tier 2 incidents are subject to existing local review process and audited by the CSNSW Operational Performance Review Branch. CSNSW also rolled out UOF face to face training and is currently developing an online refresher component to support sustained understanding of the requirements for reviewing officers.

While it is reasonable for the court to consider an inmate has suffered extra curial punishment if the court rules the use of force was unlawful or excessive, it does not appear reasonable to consider *any* UOF in response to an inmate on staff assault as a special circumstance, which has been suggested by the court in CSNSW's court transcript analysis of assault proceedings against staff<sup>22</sup>.

### 3.7 Non-parole period reduction on sentencing

Sections 44(2) and 44(2B) of the CSP Act, stipulate the non-parole period for a single sentence or an aggregate sentence must not fall below three-quarters of the term of the sentence, unless there is a finding of special circumstances.

The Bench Book provides guidance when considering special circumstances generally allowing for the reduction of the non-parole period (NPP) on sentencing. Where assault offences are sentenced concurrently in light of special circumstances under section 56(3A) of the CSP Act, the reduction of the NPP may cause the offender to be released without supervision in the community. This may not provide for the best prospects of rehabilitation and pose a risk to the community.

While CSNSW is aware of the consideration of community protection and risk posed to the community sentencing principles there is still a remaining apprehension surrounding instances where supervision would be appropriate to ensure offender rehabilitation and reintegration following release from custody in these types of assault matters.

It would be beneficial to include community supervision as a special circumstance, highlighting the need for extended reasons including the need for reintegration, treatment or rehabilitation. These reasons are outlined in table one of the Judicial Commission's 2013 research on the use of special circumstances and its consequences.<sup>23</sup>

### 3.8 Rehabilitation & Deterrence Sentencing Principles

The sentencing principles of rehabilitation and deterrence as described by the intent of Parliament in regard to section 60A and section 56(3A) are not translated into practice. This is shown by the data analysis undertaken by CSNSW where a low number of convictions under section 60A are evident and a trend in concurrent sentencing patterns is clear.

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<sup>22</sup> *R v Fieldsend; R v Ohlsen* [2017] NSWDC 402.

<sup>23</sup> 'Special circumstances under s 44 of the Crimes (Sentencing Procedure) Act 1999', Patrizia Poletti, Hugh Donnelly & Pauline Buckland (1 June 2013) *Sentencing Trends & Issues No 42, NSW Judicial Commission* <https://www.judcom.nsw.gov.au/sentencing-trends-42/>

CSNSW is aware of the legal imperative to acknowledge general deterrence by the courts through sentencing, and that its effect is proportionate to its communication to potential offenders.<sup>24</sup> The courts have highlighted the importance of deterrence in sentencing for offences in custody generally for the benefit of both inmates and staff:

*“It is particularly important that courts impose sentences calculated to deter the commission of offences in prison. Officers who administer prison communities are entitled to expect that inmates will be deterred from offending. Equally, inmates serving their sentences as best they may are entitled to as much protection as the courts can afford them.”<sup>25</sup>*

CSNSW supports the use of special circumstances generally as a mechanism of balancing deterrence with rehabilitation in sentencing. The promotion of rehabilitation to address an offender’s underlying offending behaviour ultimately reduces the likelihood of reoffending and further assists an individual to reconnect as a member of society.<sup>26</sup> Reducing reoffending remains a key focus of CSNSW.

While the intent of section 56(3A) of the CSP Act is a deterrent against assaults against correctional officers, it also provides for judicial discretion. It enables the court to consider an offender’s special circumstances as a factor allowing for concurrent sentencing, down to the non-parole period allocated. This provision allows for the prospect of rehabilitation to be realised through special circumstances findings.

CSNSW believes further clarification is required to balance these two sentencing principles in light of the prevalence of cases in which special circumstances have been misapplied. This would involve the judiciary critically assessing each circumstance as to whether it is ‘special’, in order to avoid overuse of special circumstances rendering them ‘common circumstances’.<sup>27</sup>

Additional factors must also be taken into account, such as an offender who has:

*“...Poor prospects of rehabilitation and shows a lack of remorse, protection of the society may assume prominence in the sentencing exercise and militate against a finding of special circumstances.”<sup>28</sup>*

This is especially relevant where sentences are concurrent and do not allow for a period of supervision in the community, so that public safety, offender rehabilitation and reintegration into the community are ensured. CSNSW would support further education and guidance for judicial staff and prosecutors in this regard.

## 4. Proposed changes

### 4.1 Education of Magistrates and Prosecutors

The results of CSNSW’s sentencing review show that improvements to the information in the Bench Book and to the Judicial Information Research System (JIRS) on sections 60A of the Crimes Act and its interaction with section 56(3A) of the CSP Act are required to assist judicial officers determine appropriate sentences.

Improved training and communication to the DPP and NSW Police prosecutors who make submissions relating to section 60A of the Crimes Act cases must also be undertaken to ensure

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<sup>24</sup> *R v Miria* [2009] NSWCCA 68 at [13].

<sup>25</sup> Barr J in *R v Fyffe* [2002] NSWSC 751 at [33].

<sup>26</sup> *R v Geoffrey Shaun Fieldsend*; *R v Richard Reginald OHLSEN aka PRETTY* [2017] NSWDC 402; *R v Benjamin* [2019] NSWDC 190.

<sup>27</sup> *R v Fidow* [2004] NSWCCA 172 at [20].

<sup>28</sup> *R v Windle* [2012] NSWCCA 222 at [55]; a relevant case examining a correctional officer assault, prospects of rehabilitation and consideration special circumstances including mental illness: [R v Benjamin \[2019\] NSWDC 190](#)

they have knowledge of section 56(3A) of the CSP Act to raise considerations in sentencing submissions. Further communication between CSNSW and prosecutors around the availability of appeals on a question of law for the cases where section 56(3A) was not taken into consideration and a concurrent sentence was handed down is also required.

Lastly, there appears to be little guidance or education provided as to what should be taken into consideration for a determination of special circumstances for section 56 of the CSP Act. Segregation and/or behaviour management program (BMP) responses should not be viewed as constituting special circumstances (specifically extra curial punishment). The fact an inmate was segregated after an incident which formed the basis of a criminal charge is irrelevant at sentencing.

The provision provides clarity and certainty to CSNSW to ensure that there can be an immediate lawful response to address inmate behaviour without affecting the outcomes of any disciplinary proceedings or criminal proceedings.<sup>29</sup>

## **4.2 Amendments to the *Crimes (Administration of Sentences) Act***

The application of section 56(3A) of the CSP Act only applies to 'convicted inmates' as defined in the CAS Act. This excludes inmates on remand and offenders supervised in the community which does not extend protection to other staff engaged to work with offenders directly.

An amendment to the CAS Act may be required in order to include a new term to replace 'convicted inmates', which would expand the application of section 56(3A) of the CSP Act to offenders supervised in the community, as well as inmates who are in custody on remand.

The definition of 'inmate' in Part 2 of the CAS Act may be better suited for inclusion in section 56(3A), rather than 'convicted inmate' defined in section 4 of the CAS Act. While the term 'inmate' captures both un-sentenced and sentenced inmates in custody, it still does not capture the offenders under supervision in the community as per Part 2 of the CAS Act:

*"...offenders who have been sentenced to imprisonment by way of full-time detention (referred to as inmates) and to other persons who are required to be held in custody."*

## **4.3 Amendments to the *Crimes (Sentencing Procedure) Act***

The terminology used to identify the offender in section 60A of the Crimes Act, section 56(3A) of the CSP Act only applies to 'correctional officers'; which is defined in section 231 of the CAS Act. This limits the application and protection of section 60A of the Crimes Act to only those who work in correctional centres as correctional officers.

In order to widen the scope to include all CSNSW at risk of assault, section 56(3A) of the CSP Act would need to be amended, encompassing correctional officers, community corrections officers and other staff who are engaged to work directly with offenders to provide them with adequate protection under section 60A of the Crimes Act

Another potential solution would be to utilise the definition of 'Law enforcement Officer' contained in section 60AA of the Crimes Act. This amendment would cover off both correctional officers and community corrections officers; however this would not include other staff engaged to work directly with offenders. Alternatively a new term and definition could be added to the CAS Act to widen the scope to all three staff types at risk of assault under section 60A.

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<sup>29</sup> Minister Anthony Roberts, Minister for Counter Terrorism & Corrections, Legislative Assembly Hansard Second Reading Speech (28 May 2019).  
<https://www.parliament.nsw.gov.au/Hansard/Pages/HansardResult.aspx#/docid/'HANSARD-1323879322-105467'>

An alternative could be made to widen the scope of the application of section 56(3A) of the CSP Act to 'sentenced inmates, inmates on remand and offenders supervised in the community' rather than just 'convicted inmates'.

Lastly it would be beneficial to legislate specific 'special circumstances' to be used as exceptions when Magistrates are applying section 56(3A) of the CSP Act, which would override the confusion caused by special circumstances common law.

CSNSW would support the Sentencing Council investigating a legislative amendment to section 56 of the CSP Act to specifically prohibit segregation and BMP responses to be considered special circumstances in respect of section 60A Crimes Act offences. It is imperative that Governors or Officers in charge (OICs) of correctional centres have adequate responses available to manage inmates who have assaulted staff. CSNSW has a duty of care to staff, inmates and visitors to ensure a safe and secure environment. Any amendments would need to be supported with adequate guidance and education for judicial staff, NSW Police and prosecutors in its application.

#### **4.4 Amendments to the NSW Sentencing Bench Book**

In order to provide education and guidance to judicial staff, clarity is required in the NSW Bench Book for the application of section 60A of the Crimes Act and its interaction with section 56(3A) of the CSP Act, and 60B of the Crimes Act. General guidance on sentencing for sections 60A and 60B, including section 56(3A) considerations should be added to the Bench Book to encourage better sentencing patterns relating to assaults against staff.

Improved clarity around existing common law as to what constitutes a 'special circumstance' for the purposes of interpreting section 56(3A) must also be added to the Bench Book. CSNSW would support the Sentencing Council reviewing the application of section 56 of the CSP Act to determine if the intent is reflected in sentencing decisions.

## **5. Conclusion**

In summary, CSNSW is supportive of the section 60A and 60B Crimes Act penalties. However, various improvements could be made to translate the intent of each of the provisions into court practice and procedure. Changes would improve sentencing patterns, including those sentences imposed under section 60A with consideration of special circumstances under section 56(3A) of the CSP Act.

**END**

## NSW Criminal Courts Statistics Jan 2014 to Jun 2019

Table 1: Number of finalised charges^ for selected sections of the Crimes Act 1900 where the defendant's LGA of residence at time of finalisation was in custody, by lawpart and outcome

Section	Short description and lawpart	Outcome	2014	2015	2016	2018	2019	Jan 2019 - Jun 2019
33	Maliciously inflict gbh w/i to do so-SI - Lawpart 39	Guilty	0	2	1	0	0	0
		Total	0	2	1	0	0	0
33(1)(a)	Wound person intend to cause grievous bodily harm (DV)-SI - Lawpart 64737	Guilty	2	2	4	1	0	0
		Not Guilty	2	0	0	0	0	0
		Other	0	0	0	1	0	0
		Withdrawn by prosecution Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	2	0	0
		Total	0	0	1	3	0	0
		% disposed of by 'other'	0.0%	0.0%	20.0%	75.0%	0.0%	0.0%
33(1)(a)	Wound person with intent to cause grievous bodily harm-SI - Lawpart 63627	Total	4	2	5	4	0	0
		Guilty	15	17	8	10	13	4
		Not Guilty	6	7	0	3	2	0
		Other	1	1	0	0	0	4
		Withdrawn by prosecution Otherwise disposed of (eg transferred to Drug Court, deceased)	1	1	5	5	4	5
		Total	2	2	5	5	4	9
33(1)(a)	Wound person with intent to cause grievous bodily harm-SI - Lawpart 63627	% disposed of by 'other'	8.7%	7.7%	38.5%	27.8%	21.1%	69.2%
		Total	23	26	13	18	19	13
		<b>Total</b>	<b>17</b>	<b>19</b>	<b>12</b>	<b>11</b>	<b>13</b>	<b>4</b>

	Not Guilty	8	7	0	3	2	0
	Withdrawn by prosecution	1	1	0	1	0	4
	Other						
	Otherwise disposed of (eg transferred to Drug Court, deceased)	1	1	6	7	4	5
	<b>Total</b>	<b>2</b>	<b>2</b>	<b>6</b>	<b>8</b>	<b>4</b>	<b>9</b>
	% disposed of by 'other'	7.4%	7.1%	33.3%	36.4%	21.1%	69.2%
	<b>Total</b>	<b>27</b>	<b>28</b>	<b>18</b>	<b>22</b>	<b>19</b>	<b>13</b>
	Guilty	8	10	10	9	1	1
	Not Guilty	2	2	5	4	2	2
	Withdrawn by prosecution	0	0	0	0	0	1
	Other						
	Otherwise disposed of (eg transferred to Drug Court, deceased)	2	0	2	1	2	0
	<b>Total</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>
	% disposed of by 'other'	16.7%	0.0%	11.8%	7.1%	40.0%	25.0%
	<b>Total</b>	<b>12</b>	<b>12</b>	<b>17</b>	<b>14</b>	<b>5</b>	<b>4</b>
33(1)(b)	Guilty	3	1	6	0	0	1
	Not Guilty	0	0	0	1	0	0
	Otherwise disposed of (eg transferred to Drug Court, deceased)	1	0	1	0	0	0
	<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
	% disposed of by 'other'	25.0%	0.0%	14.3%	0.0%	0.0%	0.0%
	<b>Total</b>	<b>4</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>
	Guilty	11	11	16	9	1	2
	Not Guilty	2	2	5	5	2	2
	Withdrawn by prosecution	0	0	0	0	0	1
	Other						
	Otherwise disposed of (eg transferred to Drug Court, deceased)	3	0	3	1	2	0
	<b>Total</b>	<b>3</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>

		% disposed of by 'other'	18.8%	0.0%	12.5%	6.7%	40.0%	20.0%		
		Total	16	13	24	15	5	5		
33(2)(a)	Wound person with intent to resist/prevent arrest etc-SI - Lawpart 63629	Other	Withdrawn by prosecution		0	0	0	1	0	
			Total	0	0	0	0	1	0	
		% disposed of by 'other'	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%		
		Total	0	0	0	0	1	0		
33(2)(b)	Cause gbh to person with intent to resist arrest etc-SI - Lawpart 63630	Guilty	1	0	0	0	0	0		
		Total	1	0	0	0	0	0		
33A(1)	Attempt discharge loaded arms w/i to inflict gbh-SI - Lawpart 46	Other	Withdrawn by prosecution		1	0	0	0	0	
			Total	1	0	0	0	0	0	
		% disposed of by 'other'	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
		Total	1	0	0	0	0	0		
33A(1)(a)	Discharge firearm etc intend cause grievous bodily harm-SI - Lawpart 63631	Guilty	0	3	5	2	1	1		
		Not Guilty	0	0	0	7	0	0		
		Other	Otherwise disposed of (eg transferred to Drug Court, deceased)		1	1	0	0	0	
			Total	1	1	0	0	0	0	
		% disposed of by 'other'	100.0%	25.0%	0.0%	0.0%	0.0%	0.0%		
		Total	1	4	5	9	1	1		
33A(2)(a)	Discharge firearm etc with intent to resist arrest-SI - Lawpart 63633	Guilty	0	0	0	8	0	0		
		Total	0	0	0	8	0	0		
33B(1)(a)	Use etc offensive weapon to prevent lawful detention etc-T1 - Lawpart 50	Guilty	20	24	23	31	30	19		
		Not Guilty	5	3	0	2	0	1		
		Other	Withdrawn by prosecution		4	2	8	10	6	7
			Otherwise disposed of (eg transferred to Drug Court, deceased)		2	2	1	2	0	0
			Total	6	4	9	12	6	7	
		% disposed	19.4%	12.9%	28.1%	26.7%	16.7%	25.9%		

		of by 'other'					
		Total	31	31	32	45	27
		Guilty	0	2	0	0	3
		Other	Withdrawn by prosecution		0	0	2
			Total		0	0	2
	Use etc offensive weapon to prevent police investigation-T1 - Lawpart 49	% disposed of by 'other'	0.0%	0.0%	100.0%	100.0%	40.0%
		Total	0	2	1	1	5
		Guilty	15	14	19	18	15
		Not Guilty	1	0	3	4	2
			Dismissed by the lower courts due to mental illness/health		0	0	2
			Withdrawn by prosecution		6	5	6
		Other	Otherwise disposed of (eg transferred to Drug Court, deceased)		0	0	1
			Total		6	5	9
		% disposed of by 'other'	27.3%	26.3%	35.3%	38.9%	34.6%
		Total	22	19	34	36	26
		Guilty	35	40	42	49	37
		Not Guilty	6	3	3	6	3
			Dismissed by the lower courts due to mental illness/health		0	0	2
			Withdrawn by prosecution		10	7	15
		Other	Otherwise disposed of (eg transferred to Drug Court, deceased)		2	2	1
			Total		12	9	18
		% disposed of by 'other'	22.6%	17.3%	32.8%	32.9%	31.0%
		Total	53	52	67	82	58
33B(1)(b)	Threaten injury to person w/i commit indictable offence-T1 - Lawpart 52	Guilty	1	0	2	0	0
		Not Guilty	0	0	1	0	0

		Dismissed by the lower courts due to mental illness/health	1	0	0	0	0	0
	Other	Withdrawn by prosecution	2	3	2	2	3	1
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	0	0	0
		Total	3	3	3	2	3	1
		% disposed of by 'other'	75.0%	100.0%	50.0%	100.0%	100.0%	100.0%
		Total	4	3	6	2	3	1
	Guilty		0	0	0	0	1	0
	Other	Dismissed by the lower courts due to mental illness/health	1	0	0	0	0	0
		Total	1	0	0	0	0	0
		% disposed of by 'other'	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		Total	1	0	0	0	1	0
	Guilty		0	1	1	0	1	2
	Not Guilty		2	0	1	0	1	0
	Other	Withdrawn by prosecution	2	0	0	0	0	0
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	0	1	0	0
		Total	2	0	0	1	0	0
		% disposed of by 'other'	50.0%	0.0%	0.0%	100.0%	0.0%	0.0%
		Total	4	1	2	1	2	2
	Guilty		1	1	3	0	2	2
	Not Guilty		2	0	2	0	1	0
	Other	Dismissed by the lower courts due to mental illness/health	2	0	0	0	0	0
		Withdrawn by prosecution	4	3	2	2	3	1
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	1	0	0

		Total	6	3	3	3	3	1
		% disposed of by 'other'	66.7%	75.0%	37.5%	100.0%	50.0%	33.3%
		Total	9	4	8	3	6	3
	Threaten injure person in company to prevent detention-SI - Lawpart 44573	Guilty	1	0	0	0	0	0
		Total	1	0	0	0	0	0
	Use etc offensive weapon in company to prevent detention-SI - Lawpart 44546	Guilty	1	0	0	3	0	0
		Total	1	0	0	3	0	0
		Guilty	0	1	3	2	0	0
		Not Guilty	0	0	0	3	0	0
		Other	0	0	4	0	0	0
	Use etc offensive weapon in company w/i indictable off-SI - Lawpart 44570	Withdrawn by prosecution Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	0	0	0
		Total	0	0	5	0	0	0
33B(2)		% disposed of by 'other'	0.0%	0.0%	62.5%	0.0%	0.0%	0.0%
		Total	0	1	8	5	0	0
		Guilty	2	1	3	5	0	0
		Not Guilty	0	0	0	3	0	0
		Other	0	0	4	0	0	0
		Withdrawn by prosecution Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	0	0	0
	<b>Total</b>	Total	0	0	5	0	0	0
		% disposed of by 'other'	0.0%	0.0%	62.5%	0.0%	0.0%	0.0%
		Total	2	1	8	8	0	0
		Guilty	3	6	4	5	5	2
		Not Guilty	0	1	0	1	3	0
35(1)	Reckless grievous bodily harm - in company -T1 - Lawpart 77097	Other	2	4	2	4	2	2
		Withdrawn by prosecution Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	0	1	0	0

		Total	2	4	2	5	2	2
		% disposed of by 'other'	40.0%	36.4%	33.3%	45.5%	20.0%	50.0%
		Total	5	11	6	11	10	4
		Withdrawn by prosecution	0	0	0	0	1	0
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	0	0	0
		Total	0	0	1	0	1	0
		% disposed of by 'other'	0.0%	0.0%	100.0%	0.0%	100.0%	0.0%
		Total	0	0	1	0	1	0
		Guilty	1	1	0	0	0	0
		Not Guilty	1	1	0	0	0	0
		Total	2	2	0	0	0	0
		Guilty	4	7	4	5	5	2
		Not Guilty	1	2	0	1	3	0
		Withdrawn by prosecution	2	4	2	4	3	2
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	1	0	0
		Total	2	4	3	5	3	2
		% disposed of by 'other'	28.6%	30.8%	42.9%	45.5%	27.3%	50.0%
		Total	7	13	7	11	11	4
		Guilty	1	0	1	0	0	0
		Otherwise disposed of (eg transferred to Drug Court, deceased)	1	0	0	0	0	0
		Total	1	0	0	0	0	0
		% disposed of by 'other'	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		Total	2	0	1	0	0	0
35(2)	Reckless grievous bodily harm -T1 -	Guilty	10	9	13	6	13	4

Lawpart 77098	Not Guilty	2	3	1	3	1	1
	Withdrawn by prosecution	8	11	7	6	6	0
	Other						
	Otherwise disposed of (eg transferred to Drug Court, deceased)	1	1	1	1	0	0
	Total	9	12	8	7	6	0
% disposed of by 'other'		42.9%	50.0%	36.4%	43.8%	30.0%	0.0%
Total		21	24	22	16	20	5
Reckless grievous bodily harm (DV)-T1 - Lawpart 77099	Guilty	4	4	10	4	2	1
	Not Guilty	0	1	1	2	0	0
	Withdrawn by prosecution	3	1	6	4	6	1
	Other						
	Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	4	1	1	0
Total		3	1	10	5	7	1
% disposed of by 'other'		42.9%	16.7%	47.6%	45.5%	77.8%	50.0%
Total		7	6	21	11	9	2
Recklessly cause grievous bodily harm-T1 - Lawpart 62881	Guilty	0	3	0	0	0	0
	Not Guilty	0	1	0	0	0	0
	Total	0	4	0	0	0	0
Recklessly cause grievous bodily harm (DV)-T1 - Lawpart 64746	Guilty	3	1	0	0	0	0
	Not Guilty	1	1	0	0	0	0
	Total	4	2	0	0	0	0
<b>Total</b>	Guilty	17	17	23	10	15	5
	Not Guilty	3	6	2	5	1	1
	Withdrawn by prosecution	11	12	13	10	12	1
	Other						
	Otherwise disposed of (eg transferred to Drug Court, deceased)	1	1	5	2	1	0
Total		12	13	18	12	13	1
% disposed of by 'other'		37.5%	36.1%	41.9%	44.4%	44.8%	14.3%

		Total	32	36	43	27	29	7
		Guilty	4	5	13	9	6	9
		Not Guilty	0	4	0	0	0	0
		Other						
			Withdrawn by prosecution	2	4	3	5	4
			Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	0	0	1
	Reckless wounding - in company -T1 - Lawpart 77101	Total	2	4	3	5	5	3
		% disposed of by 'other'	33.3%	30.8%	18.8%	35.7%	45.5%	25.0%
		Total	6	13	16	14	11	12
	Reckless wounding - in company (DV)-T1 - Lawpart 77100	Guilty	0	0	1	0	0	0
		Total	0	0	1	0	0	0
	Recklessly wounds other whilst in company-T1 - Lawpart 62882	Guilty	2	0	0	0	0	0
		Total	2	0	0	0	0	0
35(3)		Other						
			Withdrawn by prosecution	0	0	1	0	0
			Total	0	0	1	0	0
	Recklessly wounds other whilst in company (DV)-T1 - Lawpart 64747	% disposed of by 'other'	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
		Total	0	0	1	0	0	0
		Guilty	6	5	14	9	6	9
		Not Guilty	0	4	0	0	0	0
		Other						
			Withdrawn by prosecution	2	4	4	5	4
			Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	0	0	1
	<b>Total</b>	Total	2	4	4	5	5	3
		% disposed of by 'other'	25.0%	30.8%	22.2%	35.7%	45.5%	25.0%
		Total	8	13	18	14	11	12
35(4)	Reckless wounding -T1 - Lawpart 77102	Guilty	19	11	28	27	19	11
		Not Guilty	2	1	3	0	0	1
		Other						
			Withdrawn by prosecution	3	7	4	3	1

		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	2	1	0	0
		Total	3	7	6	4	1	0
		% disposed of by 'other'	12.5%	36.8%	16.2%	12.9%	5.0%	0.0%
		Total	24	19	37	31	20	12
		Guilty	5	9	7	10	7	2
		Not Guilty	0	1	1	1	0	1
		Withdrawn by prosecution	2	5	3	2	4	0
		Other	0	0	2	1	0	0
		Total	2	5	5	3	4	0
		% disposed of by 'other'	28.6%	33.3%	38.5%	21.4%	36.4%	0.0%
		Total	7	15	13	14	11	3
		Guilty	2	1	1	0	0	0
		Not Guilty	2	0	0	0	0	0
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	0	0	0
		Total	0	0	1	0	0	0
		% disposed of by 'other'	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%
		Total	4	1	2	0	0	0
		Guilty	26	21	36	37	26	13
		Not Guilty	4	2	4	1	0	2
		Withdrawn by prosecution	5	12	7	5	5	0
		Other	0	0	5	2	0	0
		Total	5	12	12	7	5	0
		% disposed of by 'other'	14.3%	34.3%	23.1%	15.6%	16.1%	0.0%

		Total		35	35	52	45	31	15
	Grievous bodily harm by negligent act - not vehicle-T1 - Lawpart 202	Guilty		0	0	1	0	0	0
		Total		0	0	1	0	0	0
	Grievous bodily harm by unlawful act - not vehicle-T1 - Lawpart 206	Guilty		0	2	1	0	0	0
		Other	Withdrawn by prosecution	1	0	1	0	1	0
		Total		1	0	1	0	1	0
		% disposed of by 'other'		100.0%	0.0%	50.0%	0.0%	100.0%	0.0%
		Total		1	2	2	0	1	0
54	Grievous bodily harm by unlawful act - vehicle-T1 - Lawpart 207	Other	Withdrawn by prosecution	0	0	0	0	0	1
		Total		0	0	0	0	0	1
		% disposed of by 'other'		0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
		Total		0	0	0	0	0	1
	<b>Total</b>	Guilty		0	2	2	0	0	0
		Other	Withdrawn by prosecution	1	0	1	0	1	1
		Total		1	0	1	0	1	1
		% disposed of by 'other'		100.0%	0.0%	33.3%	0.0%	100.0%	100.0%
		Total		1	2	3	0	1	1
545B(1)(i)	Use intimidation/violence to unlawfully influence person - Lawpart 1174	Guilty		1	1	0	3	2	2
		Not Guilty		0	0	0	0	1	1
		Other	Withdrawn by prosecution	1	7	4	2	7	4
			Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	2	0	0	0
		Total		1	7	6	2	7	4
		% disposed of by 'other'		50.0%	87.5%	100.0%	40.0%	70.0%	57.1%
		Total		2	8	6	5	10	7
58	Assault officer in execution of duty-T2 - Lawpart 235	Guilty		104	117	154	119	131	51
		Not Guilty		3	4	0	1	1	0
		Other	Dismissed by the lower courts due to mental illness/health	1	1	0	3	2	2

		Withdrawn by prosecution	21	27	20	21	22	10
		Otherwise disposed of (eg transferred to Drug Court, deceased)	3	7	7	0	1	2
		Total	25	35	27	24	25	14
		% disposed of by 'other'	18.9%	22.4%	14.9%	16.7%	15.9%	21.5%
		Total	132	156	181	144	157	65
Assault officer in execution of duty (DV)-T2 - Lawpart 64772	Guilty		5	6	3	3	4	2
	Other	Withdrawn by prosecution	2	1	1	0	0	0
		Total	2	1	1	0	0	0
		% disposed of by 'other'	28.6%	14.3%	25.0%	0.0%	0.0%	0.0%
		Total	7	7	4	3	4	2
Assault person aiding officer-T2 - Lawpart 236	Guilty		0	0	0	0	0	1
	Total		0	0	0	0	0	1
Assault person w/i to commit a serious indictable offence-T2 - Lawpart 35288	Not Guilty		0	0	0	0	1	0
	Total		0	0	0	0	1	0
Assault person w/i to commit serious indictable off (DV)-T2 - Lawpart 64779	Other	Withdrawn by prosecution	0	1	0	0	1	0
		Total	0	1	0	0	1	0
		% disposed of by 'other'	0.0%	100.0%	0.0%	0.0%	100.0%	0.0%
		Total	0	1	0	0	1	0
Assault person w/i to resist/prevent apprehension-T2 - Lawpart 238	Guilty		4	1	2	2	2	2
	Other	Withdrawn by prosecution	2	1	1	1	4	1
		Otherwise disposed of (eg transferred to Drug Court, deceased)	1	0	0	0	0	0
		Total	3	1	1	1	4	1
		% disposed of by 'other'	42.9%	50.0%	33.3%	33.3%	66.7%	33.3%
	Total	7	2	3	3	6	3	
Resist officer in execution of duty-T2 - Lawpart 239	Guilty		173	221	247	208	242	116
	Not Guilty		1	7	2	3	4	1

		Dismissed by the lower courts due to mental illness/health	1	1	2	4	0	5
	Other	Withdrawn by prosecution	23	39	34	34	34	17
		Otherwise disposed of (eg transferred to Drug Court, deceased)	9	6	11	5	8	2
		<b>Total</b>	<b>33</b>	<b>46</b>	<b>47</b>	<b>43</b>	<b>42</b>	<b>24</b>
		<b>% disposed of by 'other'</b>	<b>15.9%</b>	<b>16.8%</b>	<b>15.9%</b>	<b>16.9%</b>	<b>14.6%</b>	<b>17.0%</b>
		<b>Total</b>	<b>207</b>	<b>274</b>	<b>296</b>	<b>254</b>	<b>288</b>	<b>141</b>
		Guilty	6	12	11	10	6	4
		Not Guilty	0	0	1	1	0	0
	Other	Withdrawn by prosecution	0	0	4	1	1	1
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	0	1	0	0	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>1</b>
		<b>% disposed of by 'other'</b>	<b>0.0%</b>	<b>0.0%</b>	<b>29.4%</b>	<b>8.3%</b>	<b>14.3%</b>	<b>20.0%</b>
		<b>Total</b>	<b>6</b>	<b>12</b>	<b>17</b>	<b>12</b>	<b>7</b>	<b>5</b>
		Guilty	0	0	0	0	1	0
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
		Guilty	2	0	3	5	1	1
	Other	Withdrawn by prosecution	2	0	1	1	0	1
		<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>
		<b>% disposed of by 'other'</b>	<b>50.0%</b>	<b>0.0%</b>	<b>25.0%</b>	<b>16.7%</b>	<b>0.0%</b>	<b>50.0%</b>
		<b>Total</b>	<b>4</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>1</b>	<b>2</b>
	Other	Withdrawn by prosecution	0	0	0	0	0	1
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
		<b>% disposed of by 'other'</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>100.0%</b>
		<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Total</b>		Guilty	294	357	420	347	387	177

		Not Guilty	4	11	3	5	6	1	
		Dismissed by the lower courts due to mental illness/health	2	2	2	7	2	7	
		Withdrawn by prosecution	50	69	61	58	62	31	
		Other							
		Otherwise disposed of (eg transferred to Drug Court, deceased)	13	13	19	5	9	4	
		Total	65	84	82	70	73	42	
		% disposed of by 'other'	17.9%	18.6%	16.2%	16.6%	15.7%	19.1%	
		Total	363	452	505	422	466	220	
59(1)	Assault occasioning actual bodily harm-T2 - Lawpart 243	Guilty	126	128	141	132	153	57	
		Not Guilty	14	11	20	12	24	4	
		Dismissed by the lower courts due to mental illness/health	1	2	1	1	3	1	
		Withdrawn by prosecution	45	46	56	41	53	22	
		Other							
		Otherwise disposed of (eg transferred to Drug Court, deceased)	7	8	8	6	4	0	
		Total	53	56	65	48	60	23	
		% disposed of by 'other'	27.5%	28.7%	28.8%	25.0%	25.3%	27.4%	
		Total	193	195	226	192	237	84	
	Assault occasioning actual bodily harm (DV)-T2 - Lawpart 64780	Guilty	130	179	188	202	206	115	
Not Guilty		25	37	25	42	47	17		
		Dismissed by the lower courts due to mental illness/health	0	0	1	1	0	0	
		Withdrawn by prosecution	53	89	80	108	96	52	
		Other							
		Otherwise disposed of (eg transferred to Drug Court, deceased)	0	1	6	6	2	5	
		Total	53	90	87	115	98	57	
		% disposed of by 'other'	25.5%	29.4%	29.0%	32.0%	27.9%	30.2%	
		Total	208	306	300	359	351	189	

		Guilty	256	307	329	334	359	172	
		Not Guilty	39	48	45	54	71	21	
		Dismissed by the lower courts due to mental illness/health	1	2	2	2	3	1	
		Withdrawn by prosecution	98	135	136	149	149	74	
	<b>Total</b>	Other Otherwise disposed of (eg transferred to Drug Court, deceased)	7	9	14	12	6	5	
		<b>Total</b>	106	146	152	163	158	80	
		% disposed of by 'other'	26.4%	29.1%	28.9%	29.6%	26.9%	29.3%	
	<b>Total</b>		401	501	526	551	588	273	
59(2)		Guilty	22	22	36	25	33	16	
		Not Guilty	3	1	1	3	2	1	
		Dismissed by the lower courts due to mental illness/health	0	0	0	0	1	0	
		Withdrawn by prosecution	20	12	11	11	9	6	
		Other	Otherwise disposed of (eg transferred to Drug Court, deceased)	4	2	4	0	1	3
			<b>Total</b>	24	14	15	11	11	9
			% disposed of by 'other'	49.0%	37.8%	28.9%	28.2%	23.9%	34.6%
		<b>Total</b>		49	37	52	39	46	26
			Guilty	2	0	1	0	0	1
			Not Guilty	0	0	0	1	1	0
		Other	Withdrawn by prosecution	0	1	2	4	1	1
			<b>Total</b>	0	1	2	4	1	1
		% disposed of by 'other'	0.0%	100.0%	66.7%	80.0%	50.0%	50.0%	
	<b>Total</b>		2	1	3	5	2	2	
		Guilty	24	22	37	25	33	17	
		Not Guilty	3	1	1	4	3	1	
	<b>Total</b>	Other Dismissed by the lower courts due to mental illness/health	0	0	0	0	1	0	

		Withdrawn by prosecution	20	13	13	15	10	7	
		Otherwise disposed of (eg transferred to Drug Court, deceased)	4	2	4	0	1	3	
		<b>Total</b>	<b>24</b>	<b>15</b>	<b>17</b>	<b>15</b>	<b>12</b>	<b>10</b>	
		<b>% disposed of by 'other'</b>	<b>47.1%</b>	<b>39.5%</b>	<b>30.9%</b>	<b>34.1%</b>	<b>25.0%</b>	<b>35.7%</b>	
		<b>Total</b>	<b>51</b>	<b>38</b>	<b>55</b>	<b>44</b>	<b>48</b>	<b>28</b>	
60(1)	Assault police officer in execution of duty w/o abh-T2 - Lawpart 21705	Guilty	37	45	51	35	55	32	
		Not Guilty	4	0	1	1	0	2	
		Other	Dismissed by the lower courts due to mental illness/health	0	0	0	0	1	0
			Withdrawn by prosecution	7	4	13	6	8	7
			Otherwise disposed of (eg transferred to Drug Court, deceased)	0	1	1	0	1	0
			<b>Total</b>	<b>7</b>	<b>5</b>	<b>14</b>	<b>6</b>	<b>10</b>	<b>7</b>
			<b>% disposed of by 'other'</b>	<b>14.6%</b>	<b>10.0%</b>	<b>21.2%</b>	<b>14.3%</b>	<b>15.4%</b>	<b>17.1%</b>
			<b>Total</b>	<b>48</b>	<b>50</b>	<b>66</b>	<b>42</b>	<b>65</b>	<b>41</b>
			Guilty	0	0	1	1	2	1
			Not Guilty	0	0	0	1	0	0
	Other	Withdrawn by prosecution	2	0	0	0	0	0	
		<b>Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
		<b>% disposed of by 'other'</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	
		<b>Total</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	
	Intimidate police officer in execution of duty w/o abh-T2 - Lawpart 21708	Guilty	50	58	55	62	66	30	
		Not Guilty	1	1	5	2	2	1	
		Other	Dismissed by the lower courts due to mental illness/health	0	1	0	3	0	2
			Withdrawn by prosecution	10	6	3	7	2	1
			Otherwise disposed of (eg transferred to Drug Court, deceased)	0	7	0	0	0	1

		Total	10	14	3	10	2	4	
		% disposed of by 'other'	16.4%	19.2%	4.8%	13.5%	2.9%	11.4%	
		Total	61	73	63	74	70	35	
		Guilty	0	1	3	3	0	0	
		Other	Withdrawn by prosecution		0	0	0	1	0
			Total		0	0	0	1	0
		% disposed of by 'other'	0.0%	0.0%	0.0%	25.0%	0.0%	0.0%	
		Total	0	1	3	4	0	0	
		Guilty	87	104	110	101	123	63	
		Not Guilty	5	1	6	4	2	3	
		Other	Dismissed by the lower courts due to mental illness/health		0	1	0	3	1
			Withdrawn by prosecution		19	10	16	14	10
			Otherwise disposed of (eg transferred to Drug Court, deceased)		0	8	1	0	1
			Total		19	19	17	17	12
		% disposed of by 'other'	17.1%	15.3%	12.8%	13.9%	8.8%	14.3%	
		Total	111	124	133	122	137	77	
		Guilty	8	14	11	14	19	10	
		Not Guilty	1	2	1	1	1	0	
		Other	Dismissed by the lower courts due to mental illness/health		0	0	1	0	0
			Withdrawn by prosecution		2	6	4	1	3
			Otherwise disposed of (eg transferred to Drug Court, deceased)		0	0	0	0	0
			Total		2	6	5	1	3
		% disposed of by 'other'	18.2%	27.3%	29.4%	6.3%	13.0%	33.3%	
		Total	11	22	17	16	23	15	
60(3)	Cause GBH to police officer on duty	Guilty	0	0	1	0	0	0	

	reckless as to ABH -SI - Lawpart 77105	Total	0	0	1	0	0	0	
	Wound police officer executing duty reckless as to ABH -SI - Lawpart 77104	Other	Withdrawn by prosecution		0	0	0	1	
		Total	0	0	0	0	1	0	
		% disposed of by 'other'	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	
		Total	0	0	0	0	1	0	
	<b>Total</b>	Guilty	0	0	1	0	0	0	
		Other	Withdrawn by prosecution		0	0	0	1	
		Total	0	0	0	0	1	0	
		% disposed of by 'other'	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	
		Total	0	0	1	0	1	0	
60A(1)	Assault law officer (not police officer)-T2 - Lawpart 52348	Guilty	25	39	61	45	75	44	
		Not Guilty	0	1	1	2	6	1	
		Other	Dismissed by the lower courts due to mental illness/health		1	1	1	2	5
			Withdrawn by prosecution		8	4	3	11	10
			Otherwise disposed of (eg transferred to Drug Court, deceased)		0	0	0	1	1
		Total	9	5	4	14	16	6	
	% disposed of by 'other'	26.5%	11.1%	6.1%	23.0%	16.5%	11.8%		
	Total	34	45	66	61	97	51		
	Stalk/harass/intimidate law officer (not police officer)-T2 - Lawpart 48382	Guilty	5	6	8	2	6	5	
		Not Guilty	0	0	0	2	0	0	
Other		Withdrawn by prosecution		0	0	4	0		
Total		0	0	4	0	2	0		
% disposed of by 'other'	0.0%	0.0%	33.3%	0.0%	25.0%	0.0%			
Total	5	6	12	4	8	5			
Throw missile at law officer (not police officer)-T2 - Lawpart 60714	Guilty	1	0	2	1	0	0		
	Other	Withdrawn by prosecution		0	0	1	2		
		Otherwise disposed of (eg		1	0	0	0		



		Total	0	0	0	4	0	1		
	Wound law enforcement officer reckless as to causing ABH -SI - Lawpart 77108	Guilty	0	0	0	3	0	0		
		Total	0	0	0	3	0	0		
		Guilty	0	0	0	3	0	1		
		Other	Withdrawn by prosecution		0	0	0	4	0	0
	<b>Total</b>	Total	0	0	0	4	0	0		
		% disposed of by 'other'	0.0%	0.0%	0.0%	57.1%	0.0%	0.0%		
		Total	0	0	0	7	0	1		
60A(3)(a)	Wound law enforcement officer (not police)-SI - Lawpart 48384	Guilty	0	1	0	0	0	0		
		Total	0	1	0	0	0	0		
		Guilty	186	243	266	249	235	136		
		Not Guilty	17	22	17	17	18	7		
			Dismissed by the lower courts due to mental illness/health		15	4	2	8	5	4
			Withdrawn by prosecution		75	82	107	106	85	55
	Common assault-T2 - Lawpart 244	Other	Otherwise disposed of (eg transferred to Drug Court, deceased)		12	15	15	17	13	0
		Total	102	101	124	131	103	59		
		% disposed of by 'other'	33.4%	27.6%	30.5%	33.0%	28.9%	29.2%		
61		Total	305	366	407	397	356	202		
		Guilty	214	295	258	339	291	157		
		Not Guilty	38	35	55	66	58	26		
			Dismissed by the lower courts due to mental illness/health		10	0	2	1	2	0
			Withdrawn by prosecution		121	203	172	196	175	88
	Common assault (DV)-T2 - Lawpart 64782	Other	Otherwise disposed of (eg transferred to Drug Court, deceased)		1	5	13	27	5	6
		Total	132	208	187	224	182	94		
		% disposed of by 'other'	34.4%	38.7%	37.4%	35.6%	34.3%	33.9%		

	Total	384	538	500	629	531	277	
	Guilty	400	538	524	588	526	293	
	Not Guilty	55	57	72	83	76	33	
		Dismissed by the lower courts due to mental illness/health	25	4	4	9	7	4
		Withdrawn by prosecution	196	285	279	302	260	143
	Other	Otherwise disposed of (eg transferred to Drug Court, deceased)	13	20	28	44	18	6
	Total	234	309	311	355	285	153	
	% disposed of by 'other'	34.0%	34.2%	34.3%	34.6%	32.1%	31.9%	
<b>Total</b>	Total	689	904	907	1026	887	479	

^ The data above provides no information on the number of persons who were charged with these offences; it only provides information on the number of charges finalised in Court for these offences.

Source: NSW Bureau of Crime Statistics and Research

Reference:

ac20-18586

*Please retain this reference number for future correspondence*

**NOTE:** Data sourced from the NSW Bureau of Crime Statistics and Research must be acknowledged in any document (electronic or otherwise) containing that data.

The acknowledgement should take the form of **Source: NSW Bureau of Crime Statistics and Research**

Attachment 2

NSW Criminal Courts  
Statistics July 2001 to  
June 2019

Section	Section description and lawpart	Outcome	Jul 2001 - Jun 2002	Jul 2002 - Jun 2003	Jul 2003 - Jun 2004	Jul 2004 - Jun 2005	Jul 2005 - Jun 2006	Jul 2006 - Jun 2007	Jul 2007 - Jun 2008	Jul 2008 - Jun 2009	Jul 2009 - Jun 2010	Jul 2010 - Jun 2011	Jul 2011 - Jun 2012	Jul 2012 - Jun 2013	Jul 2013 - Jun 2014	Jul 2014 - Jun 2015	Jul 2015 - Jun 2016	Jul 2016 - Jun 2017	Jul 2017 - Jun 2018	Jul 2018 - Jun 2019	
60B(1)	Assault law officer's relative-T2 - Lawpart 48386	Guilty	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Not Guilty	0	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0
		Other	0	0	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0	0
		Total	0	0	0	1	0	0	1	0	0	0	2	0	1	2	0	0	0	0	0
60B(1)	Stalk/harass/in timidate law officer's relative-T2 - Lawpart 48387	Guilty	0	0	2	6	3	6	5	1	2	2	5	2	7	4	0	4	2	1	
		Not Guilty	0	0	1	1	2	0	4	1	2	0	1	1	1	0	0	0	0	0	0
		Other	0	1	2	0	2	4	1	4	0	0	2	0	4	2	3	2	2	2	0
		Total	0	1	5	7	7	10	10	6	4	2	8	3	12	6	3	6	4	1	1
60B(2)	Obtain personal information about officer's relative-T2 - Lawpart 48388	Guilty	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	
		Not Guilty	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
		Other	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0
		Total	0	0	0	0	0	0	0	0	0	2	0	2	0	1	0	0	0	0	0
60C	Obtain personal information about officer-T2 - Lawpart 48389	Guilty	0	0	1	0	0	1	0	1	1	1	1	0	0	0	0	1	1	2	
		Not Guilty	0	0	0	0	0	0	0	0	0	1	2	0	0	0	0	2	0	0	0
		Other	0	0	0	0	0	1	2	0	0	0	0	0	0	4	0	0	0	2	2
		Total	0	0	1	0	0	2	2	1	1	2	3	0	0	4	0	3	1	1	4

Source: NSW Bureau of Crime Statistics and Research

**Table 2. Persons found guilty whose principal offence\* was either s60B or s60C of the Crimes Act 1900 by penalty**

Section	Section description and lawpart	Outcome	Jul 2001	Jul 2002	Jul 2003	Jul 2004	Jul 2005	Jul 2006	Jul 2007	Jul 2008	Jul 2009	Jul 2010	Jul 2011	Jul 2012	Jul 2013	Jul 2014	Jul 2015	Jul 2016	Jul 2017	Jul 2018	
			- Jun 2002	- Jun 2003	- Jun 2004	- Jun 2005	- Jun 2006	- Jun 2007	- Jun 2008	- Jun 2009	- Jun 2010	- Jun 2011	- Jun 2012	- Jun 2013	- Jun 2014	- Jun 2015	- Jun 2016	- Jun 2017	- Jun 2018	- Jun 2019	
60B(1)	Assault law officer's relative-T2 - Lawpart 48386	Unsupervised Community Sentence	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Total	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Stalk/harass/intimidate law officer's relative-T2 - Lawpart 48387	Custody Supervised Community Sentence	0	0	1	0	0	1	1	0	0	0	0	0	0	1	0	0	1	0	0
		Unsupervised Community Sentence	0	0	0	5	2	3	2	0	1	2	3	1	1	1	0	0	1	1	0
		Fine	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
		Total	0	0	1	5	2	6	3	0	1	2	3	1	3	1	0	0	3	1	0
60B(2)	Obtain personal information about officer's relative-T2 - Lawpart 48388	Custody Unsupervised Community Sentence	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	
		Total	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	
		Custody Supervised Community Sentence	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0
60C	Obtain personal information about officer-T2 - Lawpart 48389	Fine	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
		Total	0	0	1	0	0	1	0	1	0	1	0	0	0	0	0	0	1	1	2
		Custody Supervised Community Sentence	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	2

\*Where a person has been found guilty of more than one offence, the offence which received the most

serious penalty is the principal offence.

**Source: NSW Bureau of Crime Statistics and Research**

**CORRECTIVE SERVICES  
NSW**

Response date: 26/08/2020

CRES reference: D20\_0762791

**Table 1: The number of staff assaulted in assault on staff incidents by location and staff assaulted gender**

Year	Incident Location	Serious Assault			Assault			Total
		Female	Male	Unknown	Female	Male	Unknown	
14/15	Bathurst Correctional Centre	-	-	-	-	-	5	5
	Cessnock Correctional Centre	-	-	-	-	-	2	2
	High Risk Management Correctional Centre	-	-	-	-	-	2	2
	Junee Correctional Centre	-	-	-	-	4	2	6
	Lithgow Correctional Centre	-	-	-	2	1	2	5
	Long Bay Hospital Area 1	-	-	-	-	1	3	4
	Metropolitan Remand and Reception Centre	-	-	-	1	4	5	10
	Metropolitan Special Programs Centre	-	-	-	-	1	2	3
	Mid North Coast Correctional Centre	-	-	-	-	-	1	1
	Parklea Correctional Centre	-	-	-	-	5	-	5
	Port Macquarie Crt Cells	-	-	-	-	-	1	1
	Silverwater Womens Correctional Centre	-	-	-	3	1	3	7
	Surry Hills Court Cells	-	-	-	-	1	-	1
	Tamworth Correctional Centre	-	-	-	-	-	1	1
	Wellington Correctional Centre	-	-	-	-	1	1	2
Wyong Court Cells	-	-	-	-	-	1	1	
<b>14/15 Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>19</b>	<b>31</b>	<b>56</b>
15/16	Albury Court Cells	-	-	-	-	1	2	3
	Amber Laurel Correctional Centre	-	-	-	-	-	1	1
	Bankstown Court Cells	-	-	-	-	1	4	5
	Batemans Bay Court Cells	-	-	-	-	1	2	3
	Bathurst Correctional Centre	-	-	-	-	2	5	7
	Broken Hill Correctional Centre	-	-	-	-	3	4	7

	Cessnock Correctional Centre	-	-	-	-	3	6	9
	Compulsory Drug Treatment Correctional Centre	-	-	-	-	2	-	2
	Cooma Correctional Centre	-	-	-	-	1	1	2
	Dawn De Loas Correctional Centre	-	-	-	-	2	2	4
	Downing Centre Court Cells	-	-	-	-	1	2	3
	Emu Plains Correctional Centre	-	-	-	-	-	2	2
	Geoffrey Pearce Correctional Centre	-	-	-	-	-	1	1
	Goulburn Correctional Centre	-	-	-	-	2	7	9
	Grafton Correctional Centre	-	-	-	-	1	4	5
	John Morony Correctional Centre (I)	-	-	-	-	1	1	2
	Junee Correctional Centre	-	-	-	2	6	1	9
	Kirkconnell Correctional Centre	-	-	-	-	1	-	1
	Lithgow Correctional Centre	-	-	-	4	10	10	24
	Long Bay Hospital Area 1	-	-	-	2	5	12	19
	Maitland Court Cells	-	-	-	-	-	1	1
	Metropolitan Remand and Reception Centre	-	-	-	3	8	20	31
	Metropolitan Special Programs Centre	-	-	-	1	5	9	15
	Mid North Coast Correctional Centre	-	-	-	-	-	11	11
	Newcastle Court Cells	-	-	-	1	-	2	3
	Parklea Correctional Centre	-	-	-	2	19	1	22
	Parramatta Court Cells	-	-	-	-	-	2	2
	Port Macquarie Police Cells	-	-	-	-	-	1	1
	Silverwater Womens Correctional Centre	-	-	-	4	4	6	14
	South Coast Correctional Centre	-	-	-	-	-	2	2
	Surry Hills Court Cells	-	-	-	-	-	2	2
	Tamworth Correctional Centre	-	-	-	-	1	3	4
	Wellington Correctional Centre	-	-	-	2	1	9	12
	Wollongong Court Centre	-	-	-	-	1	-	1
<b>15/16 Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>21</b>	<b>82</b>	<b>136</b>	<b>239</b>
<b>16/17</b>	Amber Laurel Correctional Centre	-	-	-	1	-	2	3
	Bankstown Court Cells	-	-	-	-	-	1	1
	Bathurst Correctional Centre	-	-	-	1	3	5	9
	Broken Hill Correctional Centre	-	-	-	-	-	2	2
	Cessnock Correctional Centre	-	-	-	-	2	7	9
	Compulsory Drug Treatment Correctional Centre	-	-	-	-	1	-	1
	Cooma Correctional Centre	-	-	-	-	-	1	1

	Dawn De Loas Correctional Centre	-	-	-	-	1	1	2
	Downing Centre Court Cells	-	-	-	-	-	1	1
	Dubbo Court Cells	-	-	-	-	1	-	1
	Emu Plains Correctional Centre	-	-	-	-	1	1	2
	Geoffrey Pearce Correctional Centre	-	-	-	-	1	-	1
	Goulburn Correctional Centre	-	-	-	-	-	2	2
	Grafton Correctional Centre	-	-	-	-	1	1	2
	John Morony Correctional Centre (I)	-	-	-	-	1	1	2
	Junee Correctional Centre	-	-	-	1	7	-	8
	Lithgow Correctional Centre	-	-	-	3	14	5	22
	Long Bay Hospital Area 1	-	-	-	2	5	10	17
	Mannus Correctional Centre	-	-	-	-	1	-	1
	Metropolitan Remand and Reception Centre	-	-	-	-	7	26	33
	Metropolitan Special Programs Centre	-	-	-	1	3	17	21
	Mid North Coast Correctional Centre	-	-	-	-	3	2	5
	Parklea Correctional Centre	-	-	-	4	6	2	12
	Parramatta Court Cells	-	-	-	-	3	1	4
	Port Macquarie Police Cells	-	-	-	-	-	1	1
	Silverwater Womens Correctional Centre	-	-	-	7	4	6	17
	South Coast Correctional Centre	-	-	-	1	-	2	3
	Surry Hills Court Cells	-	-	-	-	1	1	2
	Wagga Court Cells	-	-	-	-	-	1	1
	Wellington Correctional Centre	-	-	-	3	6	6	15
<b>16/17 Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>24</b>	<b>72</b>	<b>105</b>	<b>201</b>
<b>17/18</b>	Amber Laurel Correctional Centre	-	-	-	-	1	-	1
	Bankstown Court Cells	-	-	-	-	-	1	1
	Bathurst Correctional Centre	-	-	-	-	1	3	4
	Broken Hill Correctional Centre	-	-	-	-	-	1	1
	Burwood Court Cells	-	-	-	-	-	1	1
	Cessnock Correctional Centre	-	-	-	1	4	6	11
	Cooma Correctional Centre	-	-	-	-	-	1	1
	Dawn De Loas Correctional Centre	-	-	-	-	-	2	2
	Dillwynia Correctional Centre	-	-	-	-	1	-	1
	Emu Plains Correctional Centre	-	-	-	-	2	-	2
	Goulburn Correctional Centre	-	-	-	-	1	4	5
	Grafton Correctional Centre	-	-	-	1	1	1	3
	High Risk Management Correctional Centre	-	-	-	-	2	3	5
	John Morony Correctional Centre (I)	-	-	-	1	2	1	4

	Junee Correctional Centre	-	-	-	-	8	1	9
	Lithgow Correctional Centre	-	-	-	1	11	7	19
	Long Bay Hospital Area 1	-	-	-	1	3	10	14
	Macquarie Correctional Centre	-	-	-	-	1	-	1
	Maitland Court Cells	-	-	-	-	1	-	1
	Metropolitan Remand and Reception Centre	-	-	-	-	9	25	34
	Metropolitan Special Programs Centre	-	-	-	1	7	19	27
	Mid North Coast Correctional Centre	-	-	-	1	2	3	6
	Newcastle Court Cells	-	-	-	1	-	-	1
	Parklea Correctional Centre	-	-	-	1	15	4	20
	Queanbeyan Court Cells	-	-	-	-	-	1	1
	Silverwater Womens Correctional Centre	-	-	-	7	1	4	12
	South Coast Correctional Centre	-	-	-	-	3	-	3
	Surry Hills Court Cells	-	-	-	-	2	1	3
	Tamworth Correctional Centre	-	-	-	-	1	1	2
	Wagga Court Cells	-	-	-	-	1	2	3
	Wellington Correctional Centre	-	-	-	-	2	5	7
<b>17/18 Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>82</b>	<b>107</b>	<b>205</b>
<b>18/19</b>	Bathurst Correctional Centre	-	-	-	-	2	2	4
	Broken Hill Correctional Centre	-	-	-	-	1	5	6
	Burwood Court Cells	-	-	-	-	1	1	2
	Cessnock Correctional Centre	-	-	-	-	3	1	4
	Dawn De Loas Correctional Centre	-	-	-	-	1	1	2
	Geoffrey Pearce Correctional Centre	-	-	-	-	1	-	1
	Goulburn Correctional Centre	-	-	-	-	1	3	4
	Grafton Correctional Centre	-	-	-	-	1	3	4
	High Risk Management Correctional Centre	-	-	-	-	-	3	3
	Hunter Correctional Centre	-	-	-	-	-	1	1
	John Morony Correctional Centre (I)	-	-	-	-	2	3	5
	Junee Correctional Centre	-	-	-	1	8	1	10
	Kariong Correctional Centre	-	-	-	-	-	1	1
	Lismore Court Cells	-	-	-	-	1	1	2
	Lithgow Correctional Centre	-	-	-	1	8	6	15
	Long Bay Hospital Area 1	-	-	-	1	4	7	12
	Macquarie Correctional Centre	-	-	-	-	1	-	1
	Mary Wade Correctional Centre	-	-	-	1	-	-	1
	Metropolitan Remand and Reception Centre	-	-	-	2	14	34	50
	Metropolitan Special Programs Centre	-	-	-	1	4	11	16

	Mid North Coast Correctional Centre	-	-	-	-	1	9	10
	Moree Court Cells	-	-	-	-	-	2	2
	Newcastle Court Cells	-	-	-	-	-	1	1
	Parklea Correctional Centre	-	-	-	3	20	4	27
	Parramatta Court Cells	-	-	-	-	-	1	1
	Shortland Correctional Centre	-	-	-	2	6	4	12
	Silverwater Womens Correctional Centre	-	-	-	14	2	9	25
	South Coast Correctional Centre	-	-	-	1	3	1	5
	St Heliers Correctional Centre	-	-	-	-	1	1	2
	Surry Hills Court Cells	-	-	-	1	1	-	2
	Wagga Court Cells	-	-	-	-	-	2	2
	Wellington Correctional Centre	-	-	-	1	5	12	18
	Sutherland Court Cells	-	-	-	-	-	1	1
<b>18/19 Total</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>29</b>	<b>92</b>	<b>131</b>	<b>252</b>
<b>19/20</b>	Amber Laurel Correctional Centre	-	-	-	-	-	4	4
	Batemans Bay Court Cells	-	-	-	-	-	2	2
	Bathurst Correctional Centre	-	-	-	-	4	3	7
	Broken Hill Correctional Centre	-	-	-	1	2	6	9
	Cessnock Correctional Centre	-	-	-	-	1	6	7
	Dillwynia Correctional Centre	-	-	-	1	1	-	2
	Dubbo Court Cells	-	-	-	-	2	-	2
	Goulburn Correctional Centre	-	-	-	-	3	8	11
	Grafton Correctional Centre	-	-	-	-	2	4	6
	High Risk Management Correctional Centre	-	-	-	-	-	3	3
	John Morony Correctional Centre (I)	-	-	-	-	-	5	5
	Junee Correctional Centre	-	-	-	-	15	1	16
	Lismore Court Cells	-	-	-	-	2	1	3
	Lithgow Correctional Centre	-	-	-	2	4	11	17
	Long Bay Hospital Area 1	-	-	-	-	4	12	16
	Mary Wade Correctional Centre	-	-	-	4	-	-	4
	Metropolitan Remand and Reception Centre	-	-	-	-	8	31	39
	Metropolitan Special Programs Centre	-	-	1	1	7	18	27
	Mid North Coast Correctional Centre	-	-	-	-	-	8	8
	Newcastle Court Cells	-	-	-	-	-	1	1
	Oberon Correctional Centre	-	-	-	-	1	-	1
	Parklea Correctional Centre	-	-	-	4	25	18	47
	Parramatta Court Cells	-	-	-	-	-	1	1
	Port Macquarie Police Cells	-	-	-	-	-	1	1

Shortland Correctional Centre	-	-	-	-	3	2	5
Silverwater Womens Correctional Centre	-	-	-	13	4	16	33
South Coast Correctional Centre	-	-	-	-	2	1	3
St Heliers Correctional Centre	-	-	-	-	1	-	1
Tamworth Correctional Centre	-	-	-	1	1	-	2
Wagga Court Cells	-	-	-	-	-	1	1
Wellington Correctional Centre	-	-	-	3	6	18	27
Wyong Court Cells	-	-	-	-	-	1	1
<b>19/20 Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>30</b>	<b>98</b>	<b>183</b>	<b>312</b>

Note:

\* Unknown gender - staff has no gender record in OIMS system.

\*\* The numbers on above table represent the number of staff victims of acts of physical violence committed by a prisoner that resulted in physical injuries.

\*\*\* Serious assaults refer to acts of physical violence resulting in injuries that require treatment involving overnight hospitalisation in a medical facility or ongoing medical treatment, as well as all sexual assaults.

\*\*\*\* Assaults refer to acts of physical violence resulting in a physical injury but not requiring overnight hospitalisation or on going medical treatment.

**Table 2: The number and rate of staff assaulted in assault on staff incidents by incident location and injury level**

Year	Incident Location	Number			Rate (per 100 inmates per year)*			Daily Population
		Serious Assault	Assault	Total	Serious Assault	Assault	Total	
14/15	Bathurst Correctional Centre	-	5	5	0.00	0.81	0.81	621
	Cessnock Correctional Centre	-	2	2	0.00	0.27	0.27	739
	High Risk Management Correctional Centre	-	2	2	0.00	5.56	5.56	36
	Junee Correctional Centre	-	6	6	0.00	0.72	0.72	831
	Lithgow Correctional Centre	-	5	5	0.00	1.20	1.20	415
	Long Bay Hospital Area 1	-	4	4	0.00	1.05	1.05	382
	Metropolitan Remand and Reception Centre	-	10	10	0.00	1.08	1.08	929
	Metropolitan Special Programs Centre	-	3	3	0.00	0.35	0.35	869
	Mid North Coast Correctional Centre	-	1	1	0.00	0.19	0.19	513
	Parklea Correctional Centre	-	5	5	0.00	0.59	0.59	848
	Port Macquarie Crt Cells	-	1	1	0.00	33.33	33.33	3

	Silverwater Womens Correctional Centre	-	7	7	0.00	3.37	3.37	208
	Surry Hills Court Cells	-	1	1	0.00	2.38	2.38	42
	Tamworth Correctional Centre	-	1	1	0.00	1.27	1.27	79
	Wellington Correctional Centre	-	2	2	0.00	0.36	0.36	551
	Wyong Court Cells	-	1	1	0.00	-	-	-
<b>14/15 Total</b>		<b>0</b>	<b>56</b>	<b>56</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
15/16	Albury Court Cells	-	3	3	0.00	100.00	100.00	3
	Amber Laurel Correctional Centre	-	1	1	0.00	2.78	2.78	36
	Bankstown Court Cells	-	5	5	-	-	-	-
	Batemans Bay Court Cells	-	3	3	0.00	150.00	150.00	2
	Bathurst Correctional Centre	-	7	7	0.00	1.12	1.12	625
	Broken Hill Correctional Centre	-	7	7	0.00	8.86	8.86	79
	Cessnock Correctional Centre	-	9	9	0.00	1.07	1.07	839
	Compulsory Drug Treatment Correctional Centre	-	2	2	0.00	4.17	4.17	48
	Cooma Correctional Centre	-	2	2	0.00	1.14	1.14	175
	Dawn De Loas Correctional Centre	-	4	4	0.00	0.85	0.85	469
	Downing Centre Court Cells	-	3	3	0.00	-	-	-
	Emu Plains Correctional Centre	-	2	2	0.00	1.06	1.06	188
	Geoffrey Pearce Correctional Centre	-	1	1	0.00	0.30	0.30	332
	Goulburn Correctional Centre	-	9	9	0.00	1.61	1.61	559
	Grafton Correctional Centre	-	5	5	0.00	2.81	2.81	178
	John Morony Correctional Centre (I)	-	2	2	0.00	0.51	0.51	390
	Junee Correctional Centre	-	9	9	0.00	1.08	1.08	836
	Kirkconnell Correctional Centre	-	1	1	0.00	0.45	0.45	220
	Lithgow Correctional Centre	-	24	24	0.00	5.56	5.56	432
	Long Bay Hospital Area 1	-	19	19	0.00	4.65	4.65	409
	Maitland Court Cells	-	1	1	0.00	-	-	-
	Metropolitan Remand and Reception Centre	-	31	31	0.00	3.02	3.02	1025
	Metropolitan Special Programs Centre	-	15	15	0.00	1.44	1.44	1041
	Mid North Coast Correctional Centre	-	11	11	0.00	2.08	2.08	530
	Newcastle Court Cells	-	3	3	0.00	30.00	30.00	10
	Parklea Correctional Centre	-	22	22	0.00	2.33	2.33	944
	Parramatta Court Cells	-	2	2	0.00	100.00	100.00	2
	Port Macquarie Police Cells	-	1	1	0.00	0	-	-

	Silverwater Womens Correctional Centre	-	14	14	0.00	5.28	5.28	265
	South Coast Correctional Centre	-	2	2	0.00	0.32	0.32	617
	Surry Hills Court Cells	-	2	2	0.00	3.57	3.57	56
	Tamworth Correctional Centre	-	4	4	0.00	4.76	4.76	84
	Wellington Correctional Centre	-	12	12	0.00	1.94	1.94	620
	Wollongong Court Centre	-	1	1	0.00	12.50	12.50	8
<b>15/16 Total</b>		<b>0</b>	<b>239</b>	<b>239</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
16/17	Amber Laurel Correctional Centre	-	3	3	0.00	9.68	9.68	31
	Bankstown Court Cells	-	1	1	-	-	-	-
	Bathurst Correctional Centre	-	9	9	0.00	1.46	1.46	617
	Broken Hill Correctional Centre	-	2	2	0.00	2.53	2.53	79
	Cessnock Correctional Centre	-	9	9	0.00	1.06	1.06	846
	Compulsory Drug Treatment Correctional Centre	-	1	1	0.00	1.85	1.85	54
	Cooma Correctional Centre	-	1	1	0.00	0.53	0.53	190
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.43	0.43	462
	Downing Centre Court Cells	-	1	1	-	-	-	-
	Dubbo Court Cells	-	1	1	0.00	33.33	33.33	3
	Emu Plains Correctional Centre	-	2	2	0.00	1.12	1.12	179
	Geoffrey Pearce Correctional Centre	-	1	1	0.00	0.28	0.28	353
	Goulburn Correctional Centre	-	2	2	0.00	0.35	0.35	567
	Grafton Correctional Centre	-	2	2	0.00	0.80	0.80	251
	John Morony Correctional Centre (I)	-	2	2	0.00	0.47	0.47	428
	Junee Correctional Centre	-	8	8	0.00	0.95	0.95	839
	Lithgow Correctional Centre	-	22	22	0.00	5.30	5.30	415
	Long Bay Hospital Area 1	-	17	17	0.00	3.60	3.60	472
	Mannus Correctional Centre	-	1	1	0.00	0.65	0.65	153
	Metropolitan Remand and Reception Centre	-	33	33	0.00	3.01	3.01	1098
	Metropolitan Special Programs Centre	-	21	21	0.00	1.93	1.93	1089
	Mid North Coast Correctional Centre	-	5	5	0.00	0.86	0.86	582
	Parklea Correctional Centre	-	12	12	0.00	1.23	1.23	976
	Parramatta Court Cells	-	4	4	0.00	400.00	400.00	1
	Port Macquarie Police Cells	-	1	1	-	-	-	-
	Silverwater Womens Correctional Centre	-	17	17	0.00	5.38	5.38	316
	South Coast Correctional Centre	-	3	3	0.00	0.47	0.47	635
	Surry Hills Court Cells	-	2	2	0.00	4.65	4.65	43
	Wagga Court Cells	-	1	1	0.00	33.33	33.33	3

	Wellington Correctional Centre	-	15	15	0.00	2.19	2.19	685
<b>16/17 Total</b>		<b>0</b>	<b>201</b>	<b>201</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
17/18	Amber Laurel Correctional Centre	-	1	1	0.00	3.03	3.03	33
	Bankstown Court Cells	-	1	1	-	-	-	-
	Bathurst Correctional Centre	-	4	4	0.00	0.65	0.65	613
	Broken Hill Correctional Centre	-	1	1	0.00	1.32	1.32	76
	Burwood Court Cells	-	1	1	-	-	-	-
	Cessnock Correctional Centre	-	11	11	0.00	1.30	1.30	846
	Cooma Correctional Centre	-	1	1	0.00	0.53	0.53	190
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.41	0.41	487
	Dillwynia Correctional Centre	-	1	1	0.00	0.38	0.38	264
	Emu Plains Correctional Centre	-	2	2	0.00	1.18	1.18	169
	Goulburn Correctional Centre	-	5	5	0.00	0.90	0.90	558
	Grafton Correctional Centre	-	3	3	0.00	1.13	1.13	265
	High Risk Management Correctional Centre	-	5	5	0.00	10.42	10.42	48
	John Morony Correctional Centre (I)	-	4	4	0.00	0.94	0.94	427
	Junee Correctional Centre	-	9	9	0.00	1.08	1.08	837
	Lithgow Correctional Centre	-	19	19	0.00	4.51	4.51	421
	Long Bay Hospital Area 1	-	14	14	0.00	2.96	2.96	473
	Macquarie Correctional Centre	-	1	1	0.00	0.37	0.37	268
	Maitland Court Cells	-	1	1	-	-	-	-
	Metropolitan Remand and Reception Centre	-	34	34	0.00	3.07	3.07	1107
	Metropolitan Special Programs Centre	-	27	27	0.00	2.42	2.42	1117
	Mid North Coast Correctional Centre	-	6	6	0.00	0.93	0.93	642
	Newcastle Court Cells	-	1	1	0.00	9.09	9.09	11
	Parklea Correctional Centre	-	20	20	0.00	2.09	2.09	957
	Queanbeyan Court Cells	-	1	1	0.00	33.33	33.33	3
	Silverwater Womens Correctional Centre	-	12	12	0.00	4.00	4.00	300
	South Coast Correctional Centre	-	3	3	0.00	0.49	0.49	612
	Surry Hills Court Cells	-	3	3	0.00	5.77	5.77	52
	Tamworth Correctional Centre	-	2	2	0.00	2.41	2.41	83
	Wagga Court Cells	-	3	3	0.00	150.00	150.00	2
	Wellington Correctional Centre	-	7	7	0.00	0	1.00	699
<b>17/18 Total</b>		<b>0</b>	<b>205</b>	<b>205</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
18/19	Bathurst Correctional Centre	-	4	4	0.00	0.66	0.66	604
	Broken Hill Correctional Centre	-	6	6	0.00	8.45	8.45	71
	Burwood Court Cells	-	2	2	-	-	-	-

	Cessnock Correctional Centre	-	4	4	0.00	0.76	0.76	528
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.41	0.41	492
	Geoffrey Pearce Correctional Centre	-	1	1	0.00	0.42	0.42	240
	Goulburn Correctional Centre	-	4	4	0.00	0.78	0.78	510
	Grafton Correctional Centre	-	4	4	0.00	1.58	1.58	253
	High Risk Management Correctional Centre	-	3	3	0.00	5.45	5.45	55
	Hunter Correctional Centre	-	1	1	0.00	0.26	0.26	388
	John Morony Correctional Centre (I)	-	5	5	0.00	1.17	1.17	426
	June Correctional Centre	-	10	10	0.00	1.20	1.20	833
	Kariong Correctional Centre	-	1	1	0.00	1.12	1.12	89
	Lismore Court Cells	-	2	2	0.00	33.33	33.33	6
	Lithgow Correctional Centre	-	15	15	0.00	3.58	3.58	419
	Long Bay Hospital Area 1	-	12	12	0.00	2.54	2.54	472
	Macquarie Correctional Centre	-	1	1	0.00	0.27	0.27	366
	Mary Wade Correctional Centre	-	1	1	0.00	1.14	1.14	88
	Metropolitan Remand and Reception Centre	-	50	50	0.00	4.70	4.70	1063
	Metropolitan Special Programs Centre	-	16	16	0.00	1.51	1.51	1062
	Mid North Coast Correctional Centre	-	10	10	0.00	1.59	1.59	630
	Moree Court Cells	-	2	2	0.00	50.00	50.00	4
	Newcastle Court Cells	-	1	1	0.00	11.11	11.11	9
	Parklea Correctional Centre	-	27	27	0.00	2.67	2.67	1010
	Parramatta Court Cells	-	1	1	-	-	-	-
	Shortland Correctional Centre	-	12	12	0.00	3.87	3.87	310
	Silverwater Womens Correctional Centre	-	25	25	0.00	8.90	8.90	281
	South Coast Correctional Centre	-	5	5	0.00	0.91	0.91	549
	St Heliers Correctional Centre	-	2	2	0.00	0.78	0.78	258
	Surry Hills Court Cells	-	2	2	0.00	4.55	4.55	44
	Wagga Court Cells	-	2	2	0.00	100.00	100.00	2
	Wellington Correctional Centre	-	18	18	0.00	2.64	2.64	682
	Sutherland Court Cells	-	1	1	-	-	-	-
	<b>18/19 Total</b>	<b>0</b>	<b>252</b>	<b>252</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
19/20	Amber Laurel Correctional Centre	-	4	4	0.00	12.90	12.90	31
	Batemans Bay Court Cells	-	2	2	0.00	100.00	100.00	2
	Bathurst Correctional Centre	-	7	7	0.00	1.18	1.18	592
	Broken Hill Correctional Centre	-	9	9	0.00	14.75	14.75	61
	Cessnock Correctional Centre	-	7	7	0.00	1.42	1.42	493

Dillwynia Correctional Centre	-	2	2	0.00	0.86	0.86	233
Dubbo Court Cells	-	2	2	0.00	40.00	40.00	5
Goulburn Correctional Centre	-	11	11	0.00	2.21	2.21	498
Grafton Correctional Centre	-	6	6	0.00	3.33	3.33	180
High Risk Management Correctional Centre	-	3	3	0.00	5.56	5.56	54
John Morony Correctional Centre (I)	-	5	5	0.00	1.20	1.20	418
Junee Correctional Centre	-	16	16	0.00	1.92	1.92	835
Lismore Court Cells	-	3	3	0.00	60.00	60.00	5
Lithgow Correctional Centre	-	17	17	0.00	4.18	4.18	407
Long Bay Hospital Area 1	-	16	16	0.00	3.48	3.48	460
Mary Wade Correctional Centre	-	4	4	0.00	4.76	4.76	84
Metropolitan Remand and Reception Centre	-	39	39	0.00	4.15	4.15	940
Metropolitan Special Programs Centre	1	26	27	0.09	2.44	2.53	1066
Mid North Coast Correctional Centre	-	8	8	0.00	1.23	1.23	652
Newcastle Court Cells	-	1	1	0.00	10.00	10.00	10
Oberon Correctional Centre	-	1	1	0.00	0.81	0.81	123
Parklea Correctional Centre	-	47	47	0.00	4.40	4.40	1068
Parramatta Court Cells	-	1	1	-	-	-	-
Port Macquarie Police Cells	-	1	1	-	-	-	-
Shortland Correctional Centre	-	5	5	0.00	0.85	0.85	588
Silverwater Womens Correctional Centre	-	33	33	0.00	11.74	11.74	281
South Coast Correctional Centre	-	3	3	0.00	0.43	0.43	692
St Heliers Correctional Centre	-	1	1	0.00	0.39	0.39	257
Tamworth Correctional Centre	-	2	2	0.00	2.70	2.70	74
Wagga Court Cells	-	1	1	0.00	50.00	50.00	2
Wellington Correctional Centre	-	27	27	0.00	4.17	4.17	647
Wyong Court Cells	-	1	1	-	-	-	-
<b>19/20 Total</b>	<b>1</b>	<b>311</b>	<b>312</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Note: \* Rate (per 100 inmates per year) was calculated on the number of the victims over the daily inmate population.

**Table 3: The number and rate of involved inmates in assault on staff incidents by incident location**

Year	Incident Location	Number	Rate (per 100 inmates per year)*	Daily
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		Serious Assault	Assault	Total	Serious Assault	Assault	Total	Population
<b>14/15</b>	Bathurst Correctional Centre	-	5	5	0.00	0.81	0.81	621
	Cessnock Correctional Centre	-	2	2	0.00	0.27	0.27	739
	High Risk Management Correctional Centre	-	2	2	0.00	5.56	5.56	36
	Junee Correctional Centre	-	19	19	0.00	2.29	2.29	831
	Lithgow Correctional Centre	-	5	5	0.00	1.20	1.20	415
	Long Bay Hospital Area 1	-	4	4	0.00	1.05	1.05	382
	Metropolitan Remand and Reception Centre	-	10	10	0.00	1.08	1.08	929
	Metropolitan Special Programs Centre	-	3	3	0.00	0.35	0.35	869
	Mid North Coast Correctional Centre	-	1	1	0.00	0.19	0.19	513
	Parklea Correctional Centre	-	5	5	0.00	0.59	0.59	848
	Port Macquarie Crt Cells	-	1	1	0.00	33.33	33.33	3
	Silverwater Womens Correctional Centre	-	7	7	0.00	3.37	3.37	208
	Surry Hills Court Cells	-	1	1	0.00	2.38	2.38	42
	Tamworth Correctional Centre	-	1	1	0.00	1.27	1.27	79
	Wellington Correctional Centre	-	2	2	0.00	0.36	0.36	551
	Wyong Court Cells	-	1	1	-	-	-	-
<b>14/15 Total</b>		<b>0</b>	<b>69</b>	<b>69</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>15/16</b>	Albury Court Cells	-	3	3	0.00	100.00	100.00	3
	Amber Laurel Correctional Centre	-	1	1	0.00	2.78	2.78	36
	Bankstown Court Cells	-	5	5	-	-	-	-
	Batemans Bay Court Cells	-	3	3	0.00	150.00	150.00	2
	Bathurst Correctional Centre	-	8	8	0.00	1.28	1.28	625
	Broken Hill Correctional Centre	-	7	7	0.00	8.86	8.86	79
	Cessnock Correctional Centre	-	10	10	0.00	1.19	1.19	839
	Compulsory Drug Treatment Correctional Centre	-	2	2	0.00	4.17	4.17	48
	Cooma Correctional Centre	-	2	2	0.00	1.14	1.14	175
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.43	0.43	469
	Downing Centre Court Cells	-	3	3	-	-	-	-
	Emu Plains Correctional Centre	-	2	2	0.00	1.06	1.06	188
	Geoffrey Pearce Correctional Centre	-	1	1	0.00	0.30	0.30	332
	Goulburn Correctional Centre	-	9	9	0.00	1.61	1.61	559
	Grafton Correctional Centre	-	9	9	0.00	5.06	5.06	178
	John Morony Correctional Centre (I)	-	4	4	0.00	1.03	1.03	390
	Junee Correctional Centre	-	9	9	0.00	1.08	1.08	836
	Kirkconnell Correctional Centre	-	1	1	0.00	0.45	0.45	220
	Lithgow Correctional Centre	-	24	24	0.00	5.56	5.56	432

	Long Bay Hospital Area 1	-	19	19	0.00	4.65	4.65	409
	Maitland Court Cells	-	1	1	-	-	-	-
	Metropolitan Remand and Reception Centre	-	31	31	0.00	3.02	3.02	1025
	Metropolitan Special Programs Centre	-	17	17	0.00	1.63	1.63	1041
	Mid North Coast Correctional Centre	-	11	11	0.00	2.08	2.08	530
	Newcastle Court Cells	-	3	3	0.00	30.00	30.00	10
	Parklea Correctional Centre	-	22	22	0.00	2.33	2.33	944
	Parramatta Court Cells	-	2	2	0.00	100.00	100.00	2
	Port Macquarie Police Cells	-	1	1	-	-	-	-
	Silverwater Womens Correctional Centre	-	15	15	0.00	5.66	5.66	265
	South Coast Correctional Centre	-	2	2	0.00	0.32	0.32	617
	Surry Hills Court Cells	-	2	2	0.00	3.57	3.57	56
	Tamworth Correctional Centre	-	4	4	0.00	4.76	4.76	84
	Wellington Correctional Centre	-	13	13	0.00	2.10	2.10	620
	Wollongong Court Centre	-	1	1	0.00	12.50	12.50	8
<b>15/16 Total</b>		<b>0</b>	<b>249</b>	<b>249</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>16/17</b>	Amber Laurel Correctional Centre	-	3	3	0.00	9.68	9.68	31
	Bankstown Court Cells	-	1	1	-	-	-	-
	Bathurst Correctional Centre	-	9	9	0.00	1.46	1.46	617
	Broken Hill Correctional Centre	-	2	2	0.00	2.53	2.53	79
	Cessnock Correctional Centre	-	9	9	0.00	1.06	1.06	846
	Compulsory Drug Treatment Correctional Centre	-	1	1	0.00	1.85	1.85	54
	Cooma Correctional Centre	-	1	1	0.00	0.53	0.53	190
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.43	0.43	462
	Downing Centre Court Cells	-	1	1	-	-	-	-
	Dubbo Court Cells	-	1	1	0.00	33.33	33.33	3
	Emu Plains Correctional Centre	-	2	2	0.00	1.12	1.12	179
	Geoffrey Pearce Correctional Centre	-	1	1	0.00	0.28	0.28	353
	Goulburn Correctional Centre	-	2	2	0.00	0.35	0.35	567
	Grafton Correctional Centre	-	2	2	0.00	0.80	0.80	251
	John Morony Correctional Centre (I)	-	1	1	0.00	0.23	0.23	428
	Junee Correctional Centre	-	8	8	0.00	0.95	0.95	839
	Lithgow Correctional Centre	-	31	31	0.00	7.47	7.47	415
	Long Bay Hospital Area 1	-	17	17	0.00	3.60	3.60	472
	Mannus Correctional Centre	-	1	1	0.00	0.65	0.65	153
	Metropolitan Remand and Reception Centre	-	36	36	0.00	3.28	3.28	1098
	Metropolitan Special Programs Centre	-	21	21	0.00	1.93	1.93	1089
	Mid North Coast Correctional Centre	-	4	4	0.00	0.69	0.69	582

	Parklea Correctional Centre	-	13	13	0.00	1.33	1.33	976
	Parramatta Court Cells	-	4	4	0.00	400.00	400.00	1
	Port Macquarie Police Cells	-	1	1	-	-	-	-
	Silverwater Womens Correctional Centre	-	17	17	0.00	5.38	5.38	316
	South Coast Correctional Centre	-	3	3	0.00	0.47	0.47	635
	Surry Hills Court Cells	-	2	2	0.00	4.65	4.65	43
	Wagga Court Cells	-	1	1	0.00	33.33	33.33	3
	Wellington Correctional Centre	-	15	15	0.00	2.19	2.19	685
<b>16/17 Total</b>		<b>0</b>	<b>212</b>	<b>212</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>17/18</b>	Amber Laurel Correctional Centre	-	1	1	0.00	3.03	3.03	33
	Bankstown Court Cells	-	1	1	-	-	-	-
	Bathurst Correctional Centre	-	3	3	0.00	0.49	0.49	613
	Broken Hill Correctional Centre	-	1	1	0.00	1.32	1.32	76
	Burwood Court Cells	-	1	1	-	-	-	-
	Cessnock Correctional Centre	-	12	12	0.00	1.42	1.42	846
	Cooma Correctional Centre	-	1	1	0.00	0.53	0.53	190
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.41	0.41	487
	Dillwynia Correctional Centre	-	1	1	0.00	0.38	0.38	264
	Emu Plains Correctional Centre	-	1	1	0.00	0.59	0.59	169
	Goulburn Correctional Centre	-	5	5	0.00	0.90	0.90	558
	Grafton Correctional Centre	-	3	3	0.00	1.13	1.13	265
	High Risk Management Correctional Centre	-	5	5	0.00	10.42	10.42	48
	John Morony Correctional Centre (I)	-	7	7	0.00	1.64	1.64	427
	Junee Correctional Centre	-	9	9	0.00	1.08	1.08	837
	Lithgow Correctional Centre	-	23	23	0.00	5.46	5.46	421
	Long Bay Hospital Area 1	-	13	13	0.00	2.75	2.75	473
	Macquarie Correctional Centre	-	2	2	0.00	0.75	0.75	268
	Maitland Court Cells	-	1	1	-	-	-	-
	Metropolitan Remand and Reception Centre	-	36	36	0.00	3.25	3.25	1107
	Metropolitan Special Programs Centre	-	30	30	0.00	2.69	2.69	1117
	Mid North Coast Correctional Centre	-	8	8	0.00	1.25	1.25	642
	Newcastle Court Cells	-	1	1	0.00	9.09	9.09	11
	Parklea Correctional Centre	-	21	21	0.00	2.19	2.19	957
	Queanbeyan Court Cells	-	1	1	0.00	33.33	33.33	3
	Silverwater Womens Correctional Centre	-	12	12	0.00	4.00	4.00	300
	South Coast Correctional Centre	-	3	3	0.00	0.49	0.49	612
	Surry Hills Court Cells	-	3	3	0.00	5.77	5.77	52
	Tamworth Correctional Centre	-	2	2	0.00	2.41	2.41	83

	Wagga Court Cells	-	3	3	0.00	150.00	150.00	2
	Wellington Correctional Centre	-	7	7	0.00	1.00	1.00	699
<b>17/18 Total</b>		<b>0</b>	<b>219</b>	<b>219</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>18/19</b>	Bathurst Correctional Centre	-	4	4	0.00	0.66	0.66	604
	Broken Hill Correctional Centre	-	6	6	0.00	8.45	8.45	71
	Burwood Court Cells	-	2	2	-	-	-	-
	Cessnock Correctional Centre	-	4	4	0.00	0.76	0.76	528
	Dawn De Loas Correctional Centre	-	2	2	0.00	0.41	0.41	492
	Geoffrey Pearce Correctional Centre	-	1	1	0.00	0.42	0.42	240
	Goulburn Correctional Centre	-	4	4	0.00	0.78	0.78	510
	Grafton Correctional Centre	-	4	4	0.00	1.58	1.58	253
	High Risk Management Correctional Centre	-	5	5	0.00	9.09	9.09	55
	Hunter Correctional Centre	-	1	1	0.00	0.26	0.26	388
	John Morony Correctional Centre (I)	-	5	5	0.00	1.17	1.17	426
	Junee Correctional Centre	-	11	11	0.00	1.32	1.32	833
	Kariong Correctional Centre	-	1	1	0.00	1.12	1.12	89
	Lismore Court Cells	-	2	2	0.00	33.33	33.33	6
	Lithgow Correctional Centre	-	15	15	0.00	3.58	3.58	419
	Long Bay Hospital Area 1	-	12	12	0.00	2.54	2.54	472
	Macquarie Correctional Centre	-	1	1	0.00	0.27	0.27	366
	Mary Wade Correctional Centre	-	2	2	0.00	2.27	2.27	88
	Metropolitan Remand and Reception Centre	-	50	50	0.00	4.70	4.70	1063
	Metropolitan Special Programs Centre	-	15	15	0.00	1.41	1.41	1062
	Mid North Coast Correctional Centre	-	18	18	0.00	2.86	2.86	630
	Moree Court Cells	-	2	2	0.00	50.00	50.00	4
	Newcastle Court Cells	-	1	1	0.00	11.11	11.11	9
	Parklea Correctional Centre	-	29	29	0.00	2.87	2.87	1010
	Parramatta Court Cells	-	1	1	-	-	-	-
	Shortland Correctional Centre	-	12	12	0.00	3.87	3.87	310
	Silverwater Womens Correctional Centre	-	27	27	0.00	9.61	9.61	281
	South Coast Correctional Centre	-	5	5	0.00	0.91	0.91	549
	St Heliers Correctional Centre	-	2	2	0.00	0.78	0.78	258
	Surry Hills Court Cells	-	2	2	0.00	4.55	4.55	44
	Wagga Court Cells	-	2	2	0.00	100.00	100.00	2
	Wellington Correctional Centre	-	24	24	0.00	3.52	3.52	682
	Sutherland Court Cells	-	1	1	-	-	-	-
<b>18/19 Total</b>		<b>0</b>	<b>273</b>	<b>273</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>19/20</b>	Amber Laurel Correctional Centre	-	4	4	0.00	12.90	12.90	31

Batemans Bay Court Cells	-	2	2	0.00	100.00	100.00	2
Bathurst Correctional Centre	-	7	7	0.00	1.18	1.18	592
Broken Hill Correctional Centre	-	9	9	0.00	14.75	14.75	61
Cessnock Correctional Centre	-	7	7	0.00	1.42	1.42	493
Dillwynia Correctional Centre	-	2	2	0.00	0.86	0.86	233
Dubbo Court Cells	-	2	2	0.00	40.00	40.00	5
Goulburn Correctional Centre	-	11	11	0.00	2.21	2.21	498
Grafton Correctional Centre	-	6	6	0.00	3.33	3.33	180
High Risk Management Correctional Centre	-	3	3	0.00	5.56	5.56	54
John Morony Correctional Centre (I)	-	5	5	0.00	1.20	1.20	418
Junee Correctional Centre	-	16	16	0.00	1.92	1.92	835
Lismore Court Cells	-	3	3	0.00	60.00	60.00	5
Lithgow Correctional Centre	-	19	19	0.00	4.67	4.67	407
Long Bay Hospital Area 1	-	22	22	0.00	4.78	4.78	460
Mary Wade Correctional Centre	-	4	4	0.00	4.76	4.76	84
Metropolitan Remand and Reception Centre	-	41	41	0.00	4.36	4.36	940
Metropolitan Special Programs Centre	1	25	26	0.09	2.35	2.44	1066
Mid North Coast Correctional Centre	-	8	8	0.00	1.23	1.23	652
Newcastle Court Cells	-	1	1	0.00	10.00	10.00	10
Oberon Correctional Centre	-	1	1	0.00	0.81	0.81	123
Parklea Correctional Centre	-	46	46	0.00	4.31	4.31	1068
Parramatta Court Cells	-	1	1	-	-	-	-
Port Macquarie Police Cells	-	1	1	-	-	-	-
Shortland Correctional Centre	-	6	6	0.00	1.02	1.02	588
Silverwater Womens Correctional Centre	-	34	34	0.00	12.10	12.10	281
South Coast Correctional Centre	-	3	3	0.00	0.43	0.43	692
St Heliers Correctional Centre	-	1	1	0.00	0.39	0.39	257
Tamworth Correctional Centre	-	2	2	0.00	2.70	2.70	74
Wagga Court Cells	-	1	1	0.00	50.00	50.00	2
Wellington Correctional Centre	-	28	28	0.00	4.33	4.33	647
Wyong Court Cells	-	1	1	-	-	-	-
<b>19/20 Total</b>	<b>1</b>	<b>322</b>	<b>323</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

**Table 4: The number of involved inmates in assault on staff incidents by inmate gender**

Year	Incident Location	Female	Male	Total
<b>14/15</b>	Bathurst Correctional Centre	-	5	5
	Cessnock Correctional Centre	-	2	2
	High Risk Management Correctional Centre	-	2	2
	Junee Correctional Centre	-	19	19
	Lithgow Correctional Centre	-	5	5
	Long Bay Hospital Area 1	2	2	4
	Metropolitan Remand and Reception Centre	-	10	10
	Metropolitan Special Programs Centre	-	3	3
	Mid North Coast Correctional Centre	1	-	1
	Parklea Correctional Centre	-	5	5
	Port Macquarie Crt Cells	-	1	1
	Silverwater Womens Correctional Centre	7	-	7
	Surry Hills Court Cells	-	1	1
	Tamworth Correctional Centre	-	1	1
	Wellington Correctional Centre	-	2	2
Wyong Court Cells	-	1	1	
<b>14/15 Total</b>		<b>10</b>	<b>59</b>	<b>69</b>
<b>15/16</b>	Albury Court Cells	3	-	3
	Amber Laurel Correctional Centre	-	1	1
	Bankstown Court Cells	-	5	5
	Batemans Bay Court Cells	-	3	3
	Bathurst Correctional Centre	-	8	8
	Broken Hill Correctional Centre	-	7	7
	Cessnock Correctional Centre	-	10	10
	Compulsory Drug Treatment Correctional Centre	-	2	2
	Cooma Correctional Centre	-	2	2
	Dawn De Loas Correctional Centre	-	2	2
	Downing Centre Court Cells	-	3	3
	Emu Plains Correctional Centre	2	-	2
	Geoffrey Pearce Correctional Centre	-	1	1
	Goulburn Correctional Centre	-	9	9
	Grafton Correctional Centre	-	9	9
	John Morony Correctional Centre (I)	-	4	4
	Junee Correctional Centre	-	9	9
Kirkconnell Correctional Centre	-	1	1	
Lithgow Correctional Centre	-	24	24	

	Long Bay Hospital Area 1	3	16	19
	Maitland Court Cells	1	-	1
	Metropolitan Remand and Reception Centre	-	31	31
	Metropolitan Special Programs Centre	-	17	17
	Mid North Coast Correctional Centre	3	8	11
	Newcastle Court Cells	2	1	3
	Parklea Correctional Centre	-	22	22
	Parramatta Court Cells	1	1	2
	Port Macquarie Police Cells	-	1	1
	Silverwater Womens Correctional Centre	15	-	15
	South Coast Correctional Centre	-	2	2
	Surry Hills Court Cells	-	2	2
	Tamworth Correctional Centre	-	4	4
	Wellington Correctional Centre	4	9	13
	Wollongong Court Centre	-	1	1
<b>15/16 Total</b>		<b>34</b>	<b>215</b>	<b>249</b>
<b>16/17</b>	Amber Laurel Correctional Centre	-	3	3
	Bankstown Court Cells	-	1	1
	Bathurst Correctional Centre	-	9	9
	Broken Hill Correctional Centre	2	-	2
	Cessnock Correctional Centre	-	9	9
	Compulsory Drug Treatment Correctional Centre	-	1	1
	Cooma Correctional Centre	-	1	1
	Dawn De Loas Correctional Centre	-	2	2
	Downing Centre Court Cells	-	1	1
	Dubbo Court Cells	-	1	1
	Emu Plains Correctional Centre	2	-	2
	Geoffrey Pearce Correctional Centre	-	1	1
	Goulburn Correctional Centre	-	2	2
	Grafton Correctional Centre	-	2	2
	John Morony Correctional Centre (I)	-	1	1
	Junee Correctional Centre	1	7	8
	Lithgow Correctional Centre	-	31	31
	Long Bay Hospital Area 1	-	17	17
	Mannus Correctional Centre	-	1	1
	Metropolitan Remand and Reception Centre	-	36	36
	Metropolitan Special Programs Centre	-	21	21

	Mid North Coast Correctional Centre	1	3	4
	Parklea Correctional Centre	-	13	13
	Parramatta Court Cells	-	4	4
	Port Macquarie Police Cells	-	1	1
	Silverwater Womens Correctional Centre	17	-	17
	South Coast Correctional Centre	-	3	3
	Surry Hills Court Cells	2	-	2
	Wagga Court Cells	-	1	1
	Wellington Correctional Centre	3	12	15
<b>16/17 Total</b>		<b>28</b>	<b>184</b>	<b>212</b>
<b>17/18</b>	Amber Laurel Correctional Centre	-	1	1
	Bankstown Court Cells	-	1	1
	Bathurst Correctional Centre	-	3	3
	Broken Hill Correctional Centre	1	-	1
	Burwood Court Cells	-	1	1
	Cessnock Correctional Centre	-	12	12
	Cooma Correctional Centre	-	1	1
	Dawn De Loas Correctional Centre	-	2	2
	Dillwynia Correctional Centre	1	-	1
	Emu Plains Correctional Centre	1	-	1
	Goulburn Correctional Centre	-	5	5
	Grafton Correctional Centre	-	3	3
	High Risk Management Correctional Centre	-	5	5
	John Morony Correctional Centre (I)	-	7	7
	Junee Correctional Centre	-	9	9
	Lithgow Correctional Centre	-	23	23
	Long Bay Hospital Area 1	-	13	13
	Macquarie Correctional Centre	-	2	2
	Maitland Court Cells	1	-	1
	Metropolitan Remand and Reception Centre	-	36	36
	Metropolitan Special Programs Centre	-	30	30
	Mid North Coast Correctional Centre	-	8	8
	Newcastle Court Cells	-	1	1
	Parklea Correctional Centre	-	21	21
	Queanbeyan Court Cells	-	1	1
	Silverwater Womens Correctional Centre	12	-	12
	South Coast Correctional Centre	-	3	3
	Surry Hills Court Cells	1	2	3

	Tamworth Correctional Centre	-	2	2
	Wagga Court Cells	-	3	3
	Wellington Correctional Centre	-	7	7
<b>17/18 Total</b>		<b>17</b>	<b>202</b>	<b>219</b>
<b>18/19</b>	Bathurst Correctional Centre	-	4	4
	Broken Hill Correctional Centre	2	4	6
	Burwood Court Cells	-	2	2
	Cessnock Correctional Centre	-	4	4
	Dawn De Loas Correctional Centre	-	2	2
	Geoffrey Pearce Correctional Centre	-	1	1
	Goulburn Correctional Centre	-	4	4
	Grafton Correctional Centre	-	4	4
	High Risk Management Correctional Centre	-	5	5
	Hunter Correctional Centre	-	1	1
	John Morony Correctional Centre (I)	-	5	5
	Junee Correctional Centre	-	11	11
	Kariong Correctional Centre	-	1	1
	Lismore Court Cells	-	2	2
	Lithgow Correctional Centre	-	15	15
	Long Bay Hospital Area 1	-	12	12
	Macquarie Correctional Centre	-	1	1
	Mary Wade Correctional Centre	2	-	2
	Metropolitan Remand and Reception Centre	-	50	50
	Metropolitan Special Programs Centre	-	15	15
	Mid North Coast Correctional Centre	-	18	18
	Moree Court Cells	-	2	2
	Newcastle Court Cells	-	1	1
	Parklea Correctional Centre	-	29	29
	Parramatta Court Cells	-	1	1
	Shortland Correctional Centre	-	12	12
	Silverwater Womens Correctional Centre	27	-	27
	South Coast Correctional Centre	-	5	5
	St Heliers Correctional Centre	-	2	2
	Surry Hills Court Cells	1	1	2
	Wagga Court Cells	-	2	2
	Wellington Correctional Centre	-	24	24
	Sutherland Court Cells	-	1	1
<b>18/19 Total</b>		<b>32</b>	<b>241</b>	<b>273</b>

19/20	Amber Laurel Correctional Centre	2	2	4
	Batemans Bay Court Cells	-	2	2
	Bathurst Correctional Centre	-	7	7
	Broken Hill Correctional Centre	2	7	9
	Cessnock Correctional Centre	-	7	7
	Dillwynia Correctional Centre	2	-	2
	Dubbo Court Cells	-	2	2
	Goulburn Correctional Centre	-	11	11
	Grafton Correctional Centre	-	6	6
	High Risk Management Correctional Centre	-	3	3
	John Morony Correctional Centre (I)	-	5	5
	Junee Correctional Centre	-	16	16
	Lismore Court Cells	-	3	3
	Lithgow Correctional Centre	-	19	19
	Long Bay Hospital Area 1	1	21	22
	Mary Wade Correctional Centre	4	-	4
	Metropolitan Remand and Reception Centre	-	41	41
	Metropolitan Special Programs Centre	-	26	26
	Mid North Coast Correctional Centre	2	6	8
	Newcastle Court Cells	-	1	1
	Oberon Correctional Centre	-	1	1
	Parklea Correctional Centre	-	46	46
	Parramatta Court Cells	-	1	1
	Port Macquarie Police Cells	1	-	1
	Shortland Correctional Centre	-	6	6
	Silverwater Womens Correctional Centre	34	-	34
	South Coast Correctional Centre	-	3	3
St Heliers Correctional Centre	-	1	1	
Tamworth Correctional Centre	-	2	2	
Wagga Court Cells	-	1	1	
Wellington Correctional Centre	3	25	28	
Wyang Court Cells	-	1	1	
<b>19/20 Total</b>	<b>51</b>	<b>272</b>	<b>323</b>	

**Table 5: The number of involved inmates in assault on staff incidents by inmate's sentence status**

Sentence Status	14/15	15/16	16/17	17/18	18/19	19/20
APPELLANT	2	1	4	3	4	4
CORRECTIONAL PATIENT	2	5	12	5	6	9
FORENSIC PATIENT	-	2	2	-	1	3
LIFE	1	-	1	-	-	1
POLICE BAIL REFUSED / NOT MET	1	18	7	6	7	13
SENTENCED	44	133	119	109	150	156
UNSENTENCED	19	90	67	96	105	137

**Table 6: The number of involved inmates in assault on staff incidents by inmate's classification**

Classification	14/15	15/16	16/17	17/18	18/19	19/20
A1	-	1	1	2	12	9
A2	9	55	62	81	102	115
A2U	5	10	21	11	23	34
AA	-	-	2	3	2	1
B	13	55	29	35	29	28
BU	4	15	6	15	12	20
C1	12	24	21	13	19	14
C1U	-	2	2	-	5	7
C2	4	8	10	4	11	9
CAT2	2	9	4	-	5	1
CAT3	1	7	8	8	2	15
CAT4	2	5	-	-	18	6
CDT	-	-	-	-	-	2
E1	7	19	16	23	13	21
E1U	-	3	-	2	-	10
E2	2	15	8	7	1	6
E2U	-	-	1	2	4	-
L	1	-	1	-	-	1
UCAT2	-	4	2	1	-	4
UCAT3	4	2	5	3	3	6
UCAT4	-	-	2	-	3	8
N/A*	3	15	11	9	9	6

Note: \* N/A - Inmates have no classification during the incident episode.

**Table 7: The number of involved inmates in assault on staff incidents by offence in custody penalty**

<b>Penalty</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>	<b>19/20</b>
Cells	13	28	31	28	53	41
Compensation	4	3	4	2	10	5
Dismissed, No Evidence	-	-	-	2	-	-
Films Videos Concerts	-	10	3	2	5	-
Good Behaviour	4	2	3	4	3	-
Not Keep Personal Property	-	2	2	2	-	-
Not Use Musical Instrument	-	10	3	2	5	-
Off Amenities	8	28	29	25	21	21
Off Amenities (Diu & Fail/Refuse Supply)	8	2	-	-	-	-
Off Amenities (Mobile Phone Only)	-	-	-	1	-	-
Off Buy-Ups	11	74	73	67	80	89
Off Buy-Ups (Diu & Fail/Refuse Supply)	-	2	1	-	-	2
Off Buy-Ups (Mobile Ph)	-	-	-	-	-	2
Off Contact Visits	4	49	51	39	49	37
Off Contact Visits (Diu & Fail/Refuse )	7	2	2	-	-	-
Off Contact Visits (Mobile Phone Only)	-	-	-	-	-	2
Off Phone Calls	3	24	29	21	33	18
Off Television	1	23	24	25	18	10
Off Television (Mobile Ph)	-	-	-	-	-	1
Partake At Leisure Time Activity	-	21	15	18	18	15
Referred To Police (Pdc)	-	2	-	-	-	-
Reprimand And Caution	2	-	3	1	4	3
Use Of Library Facilities	-	12	5	2	5	2

## Attachment 4

Individual offender offence dates	6589
Offender was in a correctional centre on date of offence	881
CSNSW recorded an assault on staff involving that offender on that date	85
Most serious offence	
<i>Assault law officer (not police officer)-T2</i>	<i>59</i>
<i>Reckless grievous bodily harm -T1</i>	<i>1</i>
<i>Wound person with intent to cause grievous bodily harm-SI</i>	<i>1</i>
<i>Assault occasioning actual bodily harm-T2</i>	<i>5</i>
<i>Assault law enforcement officer (not police) inflict ABH-T1</i>	<i>24</i>
<b>Total</b>	<b>90</b>

**PUBLISHED DECISIONS RE SECTION 60A OF THE *CRIMES ACT***

Note: in addition to the 5 year review

**DFS v Regina [2007] NSWCCA 77**

Outline:

- On 30-31 May 2004, the offender committed numerous offences including steal a motor vehicle, aggravated break and enter and police pursuit.
- He was arrested on 31 May 2004 and taken to Frank Baxter JJC. While at that centre, he committed a range of offences which included six assaults on Juvenile Justice officers.

Charges:

- Two indictments and two Form 1 schedules.
- The first indictment included offences to stealing a motor vehicle; aggravated break, enter and steal x 3; assault with intent to take motor vehicle; robbery; demand money with intent to steal.
- The second indictment included charges of assault law officer x 6; malicious damage x 3.
- The assault law officer offences were committed while the offender was on remand for the offences on the first indictment.

Sentence:

- Assault law officer x 4: fixed term of 4 months from 31 August 2007.
- Assault law officer x 1: fixed term of 6 months from 31 August 2007.
- Assault law officer x 1: imprisonment for 2 years and 9 months, NPP 9 months from 31 August 2007.
- All six counts of assault law enforcement officer were **cumulative** to the NPP for the offences on the first indictment.

Special circumstances:

- No reference in the judgment to “special circumstances” pursuant to s. 56(3A).

**R v Valahulu [2011] NSWDC NSWDC 64**

Outline:

- On 24 August 2010, the offender attended Liverpool Local Court in relation to an apprehended domestic violence order hearing. He assaulted a Sheriff’s officer while the officer was operating a handheld scanner. The offender was on bail for common assault at the time.

Charge:

- Assault law officer, s.60A(3)(a).

Sentence:

- Sentence of 4 Years 6 months; NPP 3 years.
- The sentence was **concurrent** with a four month sentence for common assault, for which he was on bail at the time the offence of assault law officer was committed.

Special circumstances:

- No reference in the judgment to “special circumstances” pursuant to s. 56(3A).

### **R v Bugmy (No 2) [2014] NSWCCA 322**

#### Outline:

- On 8 January 2011, the offender was on remand at Broken Hill Correctional Centre for assault police and associated charges when he assaulted Corrective Services officers.

#### Charges:

- Assault law officer, s. 60A(1) x 2.
- Cause grievous bodily harm with intent to cause grievous bodily harm.
- Offence committed while in custody and on remand for assault police and other associated charges.

#### Sentence:

- Assault law officer x 2: fixed term of imprisonment of 8 months to date from 8 January 2011.
- Cause grievous bodily harm with intent: imprisonment for 6 years with a NPP of 4 years to date from 8 April 2011.
- At the time of sentence the offender was still on remand for assault police and associated charges.

#### Special circumstances:

- No reference in the judgment to “special circumstances” pursuant to s. 56(3A).

### **R v Fieldsend; R v Ohlsen [2017] NSWDC 402**

#### Outline:

- As at 8 July 2016, the offender Ohlsen was in custody at Ivanhoe Corrections Facility serving sentences for unrelated matters. On the same date, his co-offender Fieldsend was placed into segregation in the Short Term Management Unit (STMU) for being found in possession of a mobile phone whilst incarcerated.
- On 9 July 2016, Corrective Services officers entered the STMU. Fieldsend claimed he was suffering from anxiety and stepped out of his cell. The officers told him to return to his cell but Fieldsend refused to comply with their directions.
- At this time Ohlsen was standing outside the STMU perimeter fence. He was then seen crouching at the bottom of the steps leading to the STMU building. Ohlsen pushed the STMU entry door which struck an officer. At the same time, Fieldsend struck another officer. The offenders escaped custody.

#### Charges:

##### Fieldsend

- Assault law officer, s. 60A(1).
- Escape lawful custody (plus Form 1 matters of Intentional or reckless damage; possess mobile phone).
- Knowingly be carried in stolen conveyance.

##### Ohlsen

- Assault law officer, s. 60A(1).
- Escape lawful custody.
- Police pursuit (plus Form 1 matters of aid inmate to escape from custody; take and drive conveyance).
- Break and enter and commit serious indictable offence.

#### Sentence:

##### Fieldsend

- Aggregate sentence (for all offences) of 3 years and 6 months; NPP 2 years, **cumulative** on earlier sentence of imprisonment.

Ohlsen

- Aggregate sentence (for all offences) of 5 years; NPP 3 years, **cumulative** on earlier sentence of imprisonment.

Special circumstances:

- HH notes that there is no definition of “special circumstances” (at [65]).
- While HH imposed an aggregate sentence, he stated that if he had imposed separate sentences he would have found special circumstances in relation to the offence of assault officer and made it concurrent with the sentence of escape. HH stated that the sentence for the escape offence adequately take account of the offence of assault officer (at [72]).

**R v Attalah [2019] NSWDC 381 (appeal)**

Outline

- Attalah appealed his convictions which occurred on 5 December 2017, at Goulburn Correctional Centre.
- Correctional officer had seen the appellant raise his fist towards another Correctional officer and when opening gate the inmate became aggressive. Inmate said “I’ll fucking punch you in the head too”. Officer believed that inmate was going to hit her and tried to close the gate.
- Inmate grabbed officer and she took him to the ground in a swinging motion. Inmate landed on top of Officer, grabbed a handful of her hair, punched the top of her head and raked his hands up her face.
- Officer could feel the appellant’s arm being struck and he had let go of her hair. Officer secured the gate then returned to assist the other officer with the appellant. The resist offence was then said to have occurred.

Charges:

- Assault law officer, s. 60A(1) (upheld)
- Resist correctional officer in execution of duty (quashed)

Decision:

- The inmate can be seen on the CCTV to push Cotter to the upper arm or chest and officer takes inmate to the ground. In considering the lawfulness of that action, it is important to consider that it occurred in a gaol setting. Inmate was acting aggressively towards the Correctional Officer and had physically touched that officer. Judge determined that the correctional officer was entitled to take the action she did in the circumstances in which she found herself, having regard to clauses 131(1), (2), and (4) of the *Crimes (Administration of Sentences) Regulation*.
- In respect to the resist officers in execution of duty when second officer joined the incident and began to strike the appellant, the level of force applied to restrain the appellant was more than was reasonably necessary to restrain him in the circumstances and was excessive in my opinion. Found that as the level of force used to restrain the inmate was excessive, any resisting of the two officers did not occur in the execution of their duty. For this reason inmate found not guilty.

Sentence:

- 10 months imprisonment commencing 9 July 2019 and expiring 8 May 2020 with a non-parole period of 5 months expiring 8 December 2019. **Cumulative** to the existing sentence he was serving.
- 

Special Circumstances

- Level of force was outside officers’ execution of duty (CCTV footage showed officer hitting inmate in head about 11 times). Inmate suffered extra-curial punishment due to unlawful use of force.
- Special circumstances found principally because of the length of time inmate has been in custody. Considered s56 when calculating sentence.

## **PUBLISHED DECISIONS RE SECTION 56 OF THE *CRIMES (SENTENCING PROCEDURE) ACT***

There are numerous published decisions which refer to s. 56. The overwhelming majority of these refer to assaults by one inmate upon another inmate. The decision of *Regina v Aaron John Lee Maher and Ors* is an assault upon a corrections officer and provides a small amount of commentary on the operation of s. 56.

### **Regina v Aaron John Lee Maher; Regina v Dwayne Eric Welsh; Regina v Craig Vincent Lardner; Regina v Ronald Priestly [2005] NSWCCA 16**

#### Outline:

- On 16 April 2002, the offenders were involved in a riot at Goulburn Gaol and assaulted Corrective Services officers.
- At the time of the prison riot, the offender Priestly was serving a sentence for murder, which expired on 14 August 2011; and was yet to serve a sentence for assaulting a prison officer and affray, which commenced on 15 August 2011 and expired on 14 February 2012.

#### Charges:

##### Maher, Welsh, Lardner

- Riot.

##### Priestly

- Riot.
- Maliciously inflict grievous bodily harm with intent.

#### Sentence:

##### Maher, Welsh, Lardner

- Riot: four years with a NPP of 1 year to commence 15 February 2012 (wholly **cumulative** on exiting sentences).

##### Priestly

- Riot: four years with a NPP of 2 years to commence 15 February 2012 (wholly **cumulative** on exiting sentences).
- Maliciously inflict GBH with intent: 15 years with a NPP of 11 years to commence 15 February 2013 (**partially concurrent** with riot sentence).

#### Special circumstances:

- "Special circumstances" were referred to by Dunford J in the CCA judgment. HH stated that s. 56 did not apply to the present case as the section became operational after the offences were committed. However, HH stated that as Priestly's two offences arose out of the same incident that would have constituted special circumstances (at 28)].