POLICE USE OF FIREARMS
ISSUES IN SAFETY

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Introduction
In the last 15 years in Australia there has been a major shift in the wearing and use of personal firearms by the 35,000 serving police officers in Australia. Yet very little, if any, research has been carried out in the jurisdictions in Australia where these major transitions in police practice have occurred. This paper explores how it occurred (and continues to occur) and the consequences of the changes. It calls for a wider public debate on the issues surrounding the wearing and use of firearms by police, particularly in the context of research into patterns and trends of Australian violence.

Over two decades ago, two Australian academics put forward the proposition that there is a direct correlation between the extent to which police carry pistols, revolvers and shotguns and the frequency of their becoming a victim of a shooting. Having noted that the risk of a police officer being killed is higher than the risk for non-police, they then compared the police killings in those States in Australia that followed the more 'American' model (ready access to firearms) with those that followed the more British model (unarmed). They concluded that the risk of being killed "is relatively much higher in states which have adopted the American firearms policy. It is not unreasonable to infer from this that the police firearms policy may be a significant factor in this context" (Hawkins and Ward 1970, p 197). Twenty three years later, the inference still remains largely unexamined and untested, notwithstanding that the issue has become more pressing. Firearms are more often carried by patrol officers and detectives than in 1970, they are more often used, and they more often than not still carry the semi-jacketed, hollow-pointed round which is designed to kill their targets, not to incapacitate them. At the same time there are sporadic calls from the police and the public for even greater firepower and less restrictive guidelines for the use of firearms by police.

This paper explores the myths and realities that surround this controversial topic. Any mention of firearms (in the hands of anyone) in the context of the violence debate is sure to raise controversy. Indeed, the National Committee on Violence noted that no other subject that the Committee considered "elicited such a degree of intense comment as has the proposal to restrict access to firearms" (Australian National Committee 1990, p 173). Other authors have likened the gun policy question more to a "religious debate" (Chappell et al 1991, p 289) than the subject of a public policy discussion. Any proposal to restrict
access to firearms by law enforcement personnel, or to delay or frustrate the relaxation of police firearms use, or to introduce mandatory non-lethal weaponry, is likely to intensify those comments.

In 1990, the National Committee on Violence made a number of recommendations aimed at curbing the use and availability of firearms generally in Australia, for example, a uniform policy concerning the acquisition and possession of firearms, and a national gun control strategy. Governments have been keen to implement many of the proposals, notwithstanding intense opposition from members of gun lobbies. The decision to go ahead with a National Police Reference (firearms register) was finalised in May 1993. But the National Committee made no specific recommendations concerning limiting the police use of lethal weapons. The emphasis in their report was, rather, upon police codes of conduct, operational procedures and police firearms training (Australian National Committee 1990, pp 196-8). Very few commentators ever broach the subject of limiting the police use of lethal force, nor do they actively pursue the idea of the use of non-lethal weapons in the discussion on violence in the Australian community (cf. Hogan 1988a, p 89, British Columbia 1990, Geis and Binder 1990, Australian National Committee 1990, p 197 recommendation 85.4). Moreover, while police policy-makers have made a significant contribution to the drafting of national and international guidelines on the responsible use of force by law enforcement officials, (guidelines which do not include, and in fact, specifically discourage, resort to lethal force unless all other avenues and resorts have been exhausted), they have made, as one would expect, no recommendations concerning restricting the availability of firearms to police officers. It would be a brave government, therefore, that would 'stir the pot'. Indeed, it would be a foolish commentator who would tackle this subject without thought. But there is no harm in calling for a new debate, indeed, many lives may be at risk if the debate is not held.

"The police use of firearms is a complex and difficult area. A host of factors come into play. These include ethical issues, the interplay of law, policy and training, the significance of police ethos and culture, the power of unions such as the Police Association, the diverse range of situations in which firearms are used, and the complexity and difficulty of decision-making in such situations. It is time, though, that this area was subject to greater and more critical attention. The topicality of gun control provides an opportune time. There is no good reason why police should escape scrutiny in this context" (Hogan 1988a, p 81).

Certainly there has been a great deal of conjecture about the merits of the police use of deadly force, although it has typically focussed on the use of the force rather than the presence of the weapons required to carry out that force. While Professor Richard Harding, over two decades ago, was concerned about whether, when police kill citizens, they do so in circumstances permitted by the law, he was specifically unconcerned about whether police should or should not wear handguns or pistols, arguing that "for better or worse, they do so already in various circumstances" (Harding 1970a, p 15). There is no shortage of scholarship which examines the lethal use of force, its legality and morality (eg. Elliot 1979, Sherman 1982, Benn and Worpole 1986, Ward 1986, Hogan 1988b, Harding 1989, Cumneen 1991, McCulloch 1992). But this paper concentrates its attention on the consequences of the move in the last decade or two in this country, and to a lesser extent in the UK, towards the use of more sophisticated weaponry in the armoury of police officers, and in particular the ubiquity of the pistol or revolver on the hip of most Australian police officers. And while this paper is chiefly concerned with Australia's public police officers, it is apposite to consider that there are many thousands of private security personnel in Australia who carry firearms as a matter of course. There has been
little study done on their powers, rights and privileges, an examination which is also well overdue, but outside of the scope of this paper.

The shift towards carrying firearms as a matter of course rather than as a special privilege has occurred in Australia in the absence of parliamentary discussion and widespread public debate. There is no independent monitoring of the use or misuse of police firearms, a matter upon which the National Committee on Violence made recommendations calling for investigation and action in such circumstances (Recommendations 86.7 and 86.8). In some jurisdictions the forces and services are extremely reluctant to divulge information about the firearms worn and the circumstances in which they are to be drawn. Of great interest would be information about where they are purchased, the names and nationalities of the suppliers, and, indeed, the price (Manwaring-White 1983, p 220). In South Australia, the guidelines on the subject, *Firearms: Police Issue 3375 (Issue 22, April 1992)*, is not generally available to the public. It may be the same in other States. The information provided below concerning the guidelines for the police on the wearing of firearms is gleaned from dated material held in the National Police Research Unit Library in Adelaide. Primary source material is simply not available there, nor, apparently, is it readily available from the forces themselves, a problem which does not appear to be unique to the present day (Hawkins and Ward 1970, p 195).

Police are understandably defensive about any change to an existing policy on firearms. In a letter to the editor of the Advertiser in April 1993, one constable from the Riverland of South Australia defended against intense criticism the police's use of high-powered firearms to disarm a 14 year old disgruntled student who fired a rifle which shattered a window at his high school. The officer put his position thus: "[The police] should, perhaps, have attended the school holding olive branches and lollies. The olive branches could be held out as a symbol of peace and goodwill and the lollies would be for just in case the kid is not able to appreciate the significance of the olive branches ... The 'bag of lollies' mentality ... has been demonstrably exposed for what it is - pseudo-intellectual rubbish - the sort of rubbish which is helping promote a more violent society".

But, having examined the available evidence, and placed it in the context of recommendations made to Australian governments to make Australian communities safer places in which to live (and patrol), one can reach the opinion that, at the very least, the debate about the issue should be re-kindled. In particular, we should be asking whether the use of lethal force by police officers is making Australia a safer place, or whether calls for restraint are "helping promote a more violent society". Does meeting violence with violence begin a spiral which compounds the problems and which becomes counter-productive?

**Police and firearms: the current situation in Australia**

Certainly the wearing of firearms by police is far greater than is generally realised by the public. The move from the baton to the covered pistol and then to the widespread deployment of the exposed firearm has been a result arrived at more by a process of incremental change than as a result of a decision made after any public debate. It is not unlike similar shifts which have occurred in the UK, challenging the image of the unarmed avuncular 'beat' officer (Manwaring-White 1983, p 214).

The information (from Swanton and Hannigan 1985, p 182-3) presented below (with the exception of South Australia) of the capacity and willingness of Australian patrol officers to wear firearms may be more than a little dated, but it is all that is readily available. Note
also that the make and calibre of pistols and revolvers will vary from agency to agency, as do the policies regarding their deployment and use.

**New South Wales**: All police are armed with handguns while on duty. This has been the case since just after World War One when, apparently, returned soldiers carried out attacks on a number of police officers (Nixon 1991, p 15). Harding's note in 1970 that this was the only force that was habitually armed indicates how much things have changed in other jurisdictions (Harding 1970a, p 14).

**Victoria**: All detectives now carry handguns while on duty; all uniformed personnel now carry handguns while on patrol. A decade ago firearms were only worn when it was thought that a situation was particularly dangerous.

**Queensland**: In 1973, following police industrial action (relating to occupational health and safety), police officers were permitted to decide for themselves whether to wear handguns while on duty. Not surprisingly, perhaps, most police do.

**Western Australia**: Detectives carry handguns when on duty. Uniformed officers carry handguns while on night patrol.

**South Australia**: Detectives are issued with a personal handgun and carry it when on duty except in courts, psychiatric institutions, correctional centres, Parliament House, while on study leave or if there is an order of the Forward Commander. Patrols receive an issue at the commencement of each shift, although it is possible, with the permission of the Commissioner, for an officer to be given a personal issue. As a general rule, foot patrol officers carry firearms when on patrol. It used to be the case that this was not to be done in 'sensitive' areas (such as shopping malls and sports fields), but the distinction between 'sensitive' and 'non-sensitive' areas has largely been lost. The 'widespread public debate' that was promised by police did not eventuate; the 'trial period' was overtaken by other political events.

**Tasmania**: Most detectives routinely carry a handgun, but uniformed personnel carry firearms only if the situation warrants their temporary issue.

**Northern Territory**: Both personal and police issue firearms are frequently carried.

**ACT**: Similar to the situation in Victoria

Whether the above presents an accurate picture in 1993 is difficult to determine, for the documents which regulate these matters are not public documents. There are no detailed manuals, certainly not in the public domain, covering the police issue and use of firearms. The guidelines have, apparently, no legal status except in so far as they may be referred to in disciplinary proceedings (Hogan 1988a, p 86). There is, furthermore, no way of knowing how many officers in Australian police forces wear or take home private firearms. There is very little likelihood of testing the legitimacy of the case of those officers who request a firearm in special circumstances. There would be a great temptation to conclude that the predominant factor in such requests was the pressure on those officers by their peers to conform to the existing operational 'code' (Uildriks and van Mastriigt 1991, p 169) rather than any *bona fide* objective assessment.

**The reasons why some favour the wearing of firearms**

There are 3 reasons that can be isolated, chiefly:
1. The police themselves are safer from injury or death, that is, (in the words of the South Australian Firearms - Police Issue 1:1), "[they are placed] on an equal footing with criminals who are likely to resort to the use of weapons";
2. People caught up in violent and other criminal activity are safer if the police who answer the call to assist are armed;
3. Arming police is an essential response to the growing level of violence in our society, particularly given that law enforcement personnel are required to match, at the very least, the fire-power in the hands of the criminal 'element'. Thus, the society is a safer place if violent force is met with equal (deterrent) force in return.

It is important to look at each of these issues and to distinguish, as far as possible on the available evidence, the myths from the realities.

1. The police themselves are safer

Hawkins and Ward's doubt about the truth of this proposition has already been noted (supra). But recent studies appear to confirm these findings. Even the police themselves are admitting to discrepancies between the perceptions and the reality of risks to police officers in carrying out their duties. In the NSW Police Service Weekly of 24/5/93 (p 7) Chief Superintendent Paul McKinnon made the following remark:

"The State Commander commissioned the Australian Institute of Criminology to research operational policing in New South Wales. The aim of the work was to develop appropriate risk management strategies. The final product of the research was titled 'Development of Risk Management Strategies for the New South Wales Police Service' ... A key feature of the Report was the discovery that many popular perceptions about policing hazards are out of kilter with reality. The perceived risks were higher than the real risks".

On the available evidence, it is unsafe to assume that the safety of police in Australia is better assured by a less restrictive policy on police firearms issue and use. The Australian Institute of Criminology published the following finding in 1987 as part of a study by researcher Bruce Swanton into police occupational health and safety over ten years.

"Preliminary evidence, albeit limited, suggests that police aggregate health has not deteriorated. Gross measures of workplace violence show no significant increases. Accordingly it cannot be assumed the despondent view held by officers is substantially reflective of their actual position. However, the emotional and physical hazards of police work are considerable, as evidenced by some 66 shootings and in the region of 40,000 assaults over a ten year period [1977-87]" (Australian Institute of Criminology 1987, p 4).

Swanton concluded that although police appeared to be at greater risk than the general population of being shot at, assaulted or murdered, there is no substantial evidence that that risk was increasing. Whether that situation is changing or will change in the future is a matter requiring further monitoring and on-going study.

Another study (South Australian) was conducted for the period 1983 to 1988. There were 3,704 assaults on police (with and without firearms) during that period, yet only 1 officer was shot and killed, and only one officer was wounded. Police were most at risk in residential conflicts (where the most common weapon was a knife) and on the street (where the most common weapon was a bottle) (Wright 1989, p 27).
In the period from 1964-1983, 3 Victorian police officers were killed and 28 injured as a result of being shot at. But while this represented an increase in the number of shootings, it was an increase less than the increase in the numerical strength of the agency (Swanton 1985a, p 10). There were similar figures found in New South Wales and to a lesser extent in Western and South Australia. Again the attacks were increasing at a lesser rate than the increase in agency size, although the researchers add that this figure does not necessarily count those shots that were fired but which missed their mark entirely (Swanton and Hannigan 1985, p 324). The National Committee on Violence reported that from 1979-88 13 police officers were murdered in Australia, although the risk of death from homicide was reported to be less than that from a non-duty related accident (Australian National Committee 1990, p 40).

There is some limited benefit to be gained from making comparisons with our police forces' American counterparts. Of the USA's law enforcement officers killed during the period 1980-89 (a total of 801), one study found that 92% were by guns (16% of them the officer's own gun) and only 2% were while on foot patrol (Major 1991, p 3). Studies of the period 1960-80 found 1,794 officers were killed, 11% while off-duty, 3% while on foot patrol and 23% by the use of their own firearms turned against them. The rate of USA law enforcement officer deaths was over seven times that of the Australian figure (and still their researchers conclude that their occupational hazards are often overstated eg. Hill and Clawson 1988, p 247). The percentage of Australian officers shot with their own guns is a lot less, approximately 5% (Swanton 1985b, p 239).

In comparison with Australia, for the decade 1976-1985, the rate of Canadian officers murdered in the line of duty was almost twice that of Australia. The Australian rate was three times greater, however, than the rate for England and Wales (not including the London Metropolitan Police Force) while the rate for the London force was still lower than that reported by New South Wales, Victoria, Western Australia and South Australia (Swanton and Walker 1989, p 21). The authors of that report noted that these murder rates correlated closely with the murder rates found in the general population. This point was discussed yet dismissed as having little relevance by Hawkins and Ward who figured that the police firearms policy was a far more crucial determinant of police risk rates than general homicide rates (1970, p 196-7).

International comparisons are, however, sometimes rather misleading. It is difficult to assume that all American police firearms policies are less restrictive than those in Australia (the difficulty arises out of the fact that there are over 40,000 publicly-funded law enforcement agencies in the USA) and even more difficult to suggest that there is some causal link between this apparent lack of restriction on weapon use and the deaths of their users. Many more US law enforcement officers, for example, patrol alone than their counterparts here, and that factor appears to be significant in determining the risk of death or injury. It would require a great deal more work of the sort suggested by Hawkins and Ward (supra) before these conclusions could be verified with statistical significance.

Yet it is instructive for Australian observers to note the high numbers of American officers killed notwithstanding the availability of their firearms and their firepower. Indeed, there is some evidence in the USA which points to the conclusion that the absence or apparent absence of firearms on police officers may enhance their safety and increase the cooperation of offenders, particularly where the offender has a gun.

"At the applied level, these results argue that, contrary to the tactics increasingly adopted by many police forces of prominently displaying weapons, the absence of,
or ostensible lack of weapons on the person of the police officer may actually enhance his (sic) safety and increase the cooperativeness of his client population. The effect may be especially significant in situations where the client is carrying a weapon" (Boyanowsky and Griffiths 1982, p 406).

A weapon visible in these cases may be perceived as a sign of aggression and may add to the resistance, resentment and thus retaliation of civilians in an encounter situation (Berkowitz and LePage 1967, Clark 1979). In the case of the tragic ambush and killing of Victorian constables Tynan and Eyre in Walsh Street in 1988, the officers were wearing guns when they were ambushed, but the guns did not prevent them from being killed. Apparently, in Victoria if not elsewhere, and given the small numbers of officers who are shot, there is just as much likelihood of being killed by a fellow officer as by an offender (McCulloch 1992, p 135). While it is not possible to say conclusively, therefore, that an officer is less safe with a firearm than without one, the fact of the matter is that there is insufficient evidence to justify that an officer is safer with a firearm than without one, and no evidence to suggest that increasing the firepower or relaxing the restrictions would increase levels of occupational safety.

Finally, it does not necessarily follow that individuals should have access to a gun simply on the assumption that they are at great risk or greater risk than others. It would be untenable to suggest that a firearm would be made available to every person who professed a fear of violence towards them.

"It is true that, on occasion, police are targeted and killed simply because they are police but they are not the only people who live with the fear of being killed. Many thousands of women live with the well-founded fear that they will be hurt or killed by male partners. It is not generally argued that women in these situations should have access to hand guns, although they are clearly a more vulnerable group at greater risk of unlawful homicide" (McCulloch 1992, p 137).

If we are genuinely concerned about health and safety for officers, we can explore many other ways in which police patrol policy could be altered which do not involve the arming of the police, nor creating a less restrictive regime on the police use of their firearms. Police may not have to accept the dangers of their profession if there is better analysis of these dangers and appropriate steps are taken to avoid them (Margarita 1980). These could include changes in the shift system, an emphasis upon human awareness training, enhancing effective communication skills, 'community' policing and even the design of the police uniform. These strategies are not dependent upon firearm deployment. Part of the problem in Australia is the lack of detail in police record-keeping of officers assaults. While it may appear almost a fixation of American researchers to conduct descriptive analyses of 'cop-killing' (eg. Little 1984), it would be of immense assistance to Australian researchers to have material concerning the circumstances of assaults on officers and officer deaths more readily available.

2. Members of the general public are safer

At the outset it must be noted that such a proposition at least partially relies upon the assumption that much of the police officer's duties are of a 'crime fighting' nature. Although the figures will vary from jurisdiction to jurisdiction and from time to time, there is good reason to support the suggestion that 'crime fighting' activities occupy only a small percentage of the officer's workload. British surveys note that somewhere between 82-86% of all contacts initiated by the public are 'service' oriented requests rather than of a 'crime fighting' nature (Skogan 1990, p 199). There does not appear to be any similar
work carried out in Australia although it would be unlikely that the figures mentioned would vary considerably.

Be that as it may, there will be some occasions when the public need demands the use of lethal weapons by police. It does not follow, however, that the use of firearms will be appropriate in every case. According to Harding (at a time when guns were not customarily used by officers in many States), "the majority of these killings occurred in circumstances prima facie not permitted by the law. Yet, never has a policeman (sic) been criminally charged. This pattern of failure to test the legality of a certain type of conduct, is distinct and continuous enough for one to be able to say that, in a real sense, the law has come to be changed with regard to that kind of situation. Formally, it may remain in the statute book; but the privileged group will soon come to know that it is a paper law only, that no sanction will ever be brought to bear upon them for its 'breach' " (Harding 1970b, p 177).

Harding maintained that, under the situation that existed in 1970, justification of the killing usually followed as a matter of course in such circumstances, and that the coronial processes did little to challenge that pattern (Harding 1970b, p 183). Twenty-three years on, there is little evidence that much has changed (Harding 1991).

A review of the law is required. There are three recognised situations where the police are justified in law in killing a member of the public, namely in self-defence, under the 'fleeing felon' rule, and in defence of the lives (but not property) of the public (if there is no other means available). The guiding common law principle to be used by police officers when apprehending danger was, and is still, that of 'minimal' force. It states as much in South Australia's Police Issue 3375, if not in those of other jurisdictions. Resort to the use of a firearm will only occur "when the member believes on reasonable grounds such use is necessary to protect life or prevent serious injury and only then when satisfied no other means are available ..." (2.1).

Thus, if a person is killed in the course of a struggle with police, and the force used was reasonable, then the killing is justified. In relation to fugitives, in the common law States a 'fleeing felon' may be killed justifiably so long as they are being arrested for a felony. This dates back to the centuries when almost all felonies were punishable by death. The Code States have moved away from this position to require that the felony be one punishable by life imprisonment and only if there are no other means of apprehension available. The 'fleeing felon' rule has been specifically rejected by the United Nations Committee on Law Enforcement in 1987, by the US Supreme Court in 1985 and in an Australian Law Reform Commission report in 1975 (Hogan 1988a, p 84). The death penalty has been irrelevant in Australia for the last 20 years. Any attempt to justify the use of firearms on the grounds of the 'fleeing felon' rule ought to be rejected. Where the fleeing felon principle is still in use, described in NSW with implicit support by Nixon (1991, p 15), it should be legislated against immediately.

Anecdotal evidence of the misuse of the police use of deadly force is becoming more widespread. Unacceptable incidents are, it seems, not uncommon occurrences (McCulloch 1992). Anecdotally, one would think that the number of fatal shootings in Australia have risen markedly, although it is very hard to find figures. The disquiet surrounding the high-profile shootings of, for example, in New South Wales David Gundy (Cunneen 1991) and Darren Brennan (Harding 1991, p 11), and Gary Abdullah in Victoria (McCulloch 1991)
has done little to restore confidence in the ability of the police to use firearms always in a manner which is responsible. The inadequacies of the coronial inquest process continue to dismay some critics (Hogan 1988c, p 120) with some notable exceptions (Australian National Committee 1990, p 196), and the lack of police data is equally disturbing.

"The use of firearms by police receives little attention outside the occasions when resort to guns leads to someone's death or injury ... Unfortunately, few details about police use of firearms are to be found other than in media reports. Neither annual homicide statistics nor police department annual reports provide such figures. Furthermore, in Australia, unlike the U.S., there has been no comprehensive empirical research or case-studies of police shootings [cf shootings of police]" (Hogan 1988a, p 80-1).

There appears to be more concern in the USA perhaps because of its preoccupation with the constitutional rights of offenders and suspects (Sherman 1982, p 88) a shift that has been apparent in the last two decades (cf Robin 1967). There, statistics are routinely kept on offenders who are killed at the hands of law enforcement agents. (These are, however, no small numbers. Each year in the USA law enforcement officers shoot at about 2,500 people, on average 350 of whom die as a result, see Dwyer 1990, p 295). Studies into the police use of deadly force have also captured the attention of Canadian researchers (Chappell and Graham 1985).

In Australia the research is virtually non-existent. Harding's call in 1970 was for the appointment of a specialised ombudsman to investigate police shootings (1970b, pp 185-6) has been ignored. His call for police forces to bring their specialist squad and tactical response forces procedures into line with public expectations (Harding 1991, p 13) has been largely ignored. Recommendations 85.3 and 86.7 of the National Committee on Violence, which touch on these issues, should be implemented as soon as possible:

85.3 All governments should recognise and support a requirement that wherever practical, a Coroner personally attends the scene of any fatality involving the use of lethal force by police.

86.7 All police administrators should ensure, following incidents where a person has died or been seriously injured through the use of force by police that there is a thorough investigation of the incident by police independent of those involved in the incident.

Thus, the jury is still 'out' on whether a greater resort to lethal weapons by police officers in Australia has led to a safer community generally. One can never be sure, of course, whether the presence of police firearms has deterred much criminal and violent conduct which otherwise might have been meted out to the public. Those sorts of arguments, of course, never lead anywhere because they can never be proved or disproved. Discussion of the next topic, however, should point to the weakness of the 'unknown deterrence' argument; for the evidence points to great and unacceptable levels of violence in our communities in domains where police and their guns would have minimal impact: domestic family life and Aboriginal Australian communities.

3. It is the only appropriate response to the growing level of violence in our society. The assumptions upon which this argument is based are that Australia has a growing problem with violence and a poor record when compared to other countries in the world. Putting to one side for the moment the difficulty of making international comparisons (Weatherburn and Devery 1991), commentators, called upon to review the
evidence for the National Committee on Violence in 1989, reached the conclusion that contemporary Australia is not a particularly violent place (Chappell et al 1991, p 1). Australia does not have the problems many other countries face with national or international terrorism, for example. Recent Victorian and NSW studies indicate that the murder rates in those States over the last two decades (assuming homicide is a fair guide to levels of violence) have been relatively stable, and are lower than they were at the turn of the century (Neal 1992, p 20). These trends have been apparent long before the changes to firearm practices in police ranks, and any attempt to suggest a causal link would be unproductive.

Nevertheless, there is great public concern about the problem of violence in contemporary Australia. In many respects, however, the information upon which these concerns are based is often incorrect or inadequate. If decisions concerning police and firearms are made upon an inaccurate picture of violence in contemporary Australia, then these decisions may well be ill-advised also. The two areas of great concern to policy-makers looking at violence in Australia generally are the victims of domestic violence and the high proportion of Aboriginal Australians in the violence statistics. Each of these issues will be addressed separately.

Domestic violence
The picture of an Australian's vulnerability to violent behaviour is often inaccurately painted. The chance of becoming a victim of violence is not the same for all Australians (Australian National Committee 1990, p 33 ff). Not only are some groups of Australians more likely to become victims, some groups will tend to suffer more greatly than others, and for longer. Those victims who have little or no political, social or economic power are more likely to have their vulnerability to, and pain of, violence compounded by their chronic inability to move away from the level of risk at which they find themselves. Thus, the capacity to leave a relationship, or to negotiate its better terms, is far more crucial to the final outcome (the reduction of the level of violence) than any reliance upon the intervention of the state or the response of the criminal law (Hogg and Brown 1990, p 864).

The National Committee on Violence found that a distressing proportion of violence in our communities occurred within the family home rather than external to it. Sadly, physical and emotional violence, neglect and sexual abuse pervade Australian households. Currently some 5,000 women take refuge in women's shelters each year and perhaps as many as double that number are turned away. For these women the problem of violence is ameliorated by thinking more laterally as exhibited, for example, in the 1993 amendments to police powers in South Australia to remove firearms from violent households following a phone-call order from a magistrate. They would not be better served, necessarily, by an increase in the availability and firepower of firearms carried by the officers involved. Indeed, the introduction of firearms would often exacerbate, rather than calm, a potentially violent domestic confrontation.

Violence amongst Aboriginal Australians
There is no shortage of evidence that Aboriginal Australians are at vastly greater risk of homicide and other violence than non-Aboriginal Australians. Aboriginal Australians face the risk of becoming a victim of homicide at a rate as much as ten times that which is borne by the general Australian population (Australian National Committee 1990, p 36). Moreover, 87% of these victims were killed by other Aboriginal Australians (Bonney 1987). It might be easy to conclude from this evidence that there is something within the Aboriginal Australian community, almost intrinsically, which aligns them
inevitably with a life of violence. Informed commentators, however, are quick to note that the true blame lies more with the economic and cultural status quo which currently exists in many Aboriginal communities than with the Aboriginal culture itself. Sadly, there is a mutually reinforcing spiral of welfarism, poverty, alcoholism, imprisonment and violence which is sustained, and will continue to be so, by the feelings of hopelessness endemic in the lives of many Aboriginal Australians (Hogg and Brown 1990, p 865).

Equally disturbing is the observation that the number of deaths and the rate of deaths identified by the Aboriginal Deaths in Custody Report (Royal Commission into Aboriginal Deaths in Custody 1991) are not dropping despite the commitment of governments to implement the recommendations of the various Royal Commissioners (Australian Institute of Criminology 1992, pp 12-13). Any responses to violence in Australian communities which fail to address these issues, and the quality of life of many Aboriginal Australian communities, are invariably inadequate. Any suggestion that violence could be better dealt with by giving to the police the firepower they seek and loosening the restrictions on firearm use, particularly given the strained relationships in a number of Australian jurisdictions between police and Aboriginal Australians (Cunneen 1991), would be difficult to sustain.

**Discussion**

There is tentative evidence, then, that restricting police use of lethal force may reduce the number of police killings and may even save the lives of the police who use them for protection. Yet police still maintain that the wearing of firearms is necessary for them to do their job properly, and the public, to a large extent, is prepared to agree. For whatever reason, in the eyes of many people, the solution to violence is to enhance and intensify legal authority and control, typically through strengthening the powers of the police to ensure that firearms are always visible and available. It is important to convey to the public that these solutions, however, may be more costly and more fatal in both the short and long terms.

"The logic of 'law and order' demands is insatiable and self-reinforcing. Its consequences are vastly more expensive in human, social and economic terms than placing less faith in the operations of the criminal justice system and looking elsewhere to the crime control effects of broad social policies in areas such as employment, child care, housing, welfare, education, transport, town planning and recreation" (Hogan 1988b, p 105).

These issues were addressed in the report of Lord Scarman to the British Government as a result of the riots in Brixton, London in April 1981.

"'Hard' policing is often necessary. The police have an abiding duty to act firmly against crime ... But when a community becomes resentful and restless and there is widespread loss of confidence in the police, the particular circumstances may require a review of police methods. It is a situation calling for the exercise of a professional judgment which takes into account all the circumstances" (Scarman 1986, p 110).

The more responsible call is for the police to employ greater professional judgment than merely to become better armed.
"Allow us to crack down hard they say and we will clean up the streets. But policing does not occur in a vacuum; it is all part of an extraordinarily complex problem and [Lord] Scarman has pointed to some of the underlying reasons for the rise in crime such as poor housing, lack of employment and poor amenities" (Manwaring-White 1983, p 217).

In other words, the aggression and violence which is targeted for police response, guns drawn, may be merely symptomatic of far more complicated problems and frustrations, which problems and frustrations may be exacerbated by an overly provocative response. Indeed, the riots and anger which have followed police shootings in Australia and overseas supports the predictions of those commentators who argue that para-military-style policing and liberal firearms policies lead to a spiral of increasing violence (McCulloch 1992, p 136).

While an increase in fire-power and accessibility of guns by police is the 'easy' (and more politically saleable) option in response to the violence that exists in Australia today, it fails to address the root causes of violence and serves only to isolate further the police from the community they serve. It is important to convey to the police and to the public that no amount of technology and no number of guns can replace the need to face up to the fundamental truth that the best policing is found in direct contact with the community. The presence of firearms coerces, rather than encourages. Their very existence tends to create an operational ethos which characterises more situations as ones which require a weapon-based response, in effect a self-fulfilling prophecy (Wardlaw 1985; Harding 1991, p 10). Police should be instead exploring other responses and strategies: community policing, problem-oriented policing, the development of interpersonal skills, and education programs designed to combat racism, sexism and to enhance effective crisis intervention (Australian National Committee 1990, p 195).

If there is solid evidence that the presence of guns protects officers from serious injury or death, then there would be good reason to utilise them. If there were strong evidence that guns had the effect of calming violence in a way that did not lead to the extra-judicial killing of offenders, then there would be good reason to expand their use. But the evidence is scant. Crime-fighting begins with community confidence. The most modern technology in the world cannot take the place of perceptive policing (Noaks and Christopher 1990, p 635, Manwaring-White 1983, p 220, Hawkins and Ward 1970, p 193). The Australian National Committee acknowledged these important priorities in the following recommendations:

85.1 All governments should recognise and support uniform laws throughout Australia regarding the use of firearms and other lethal force by police ...

86.1 All police administrators should adopt and implement rules and regulations strictly limiting the use of force and firearms ...

86.4 All police administrators should adopt a nationally agreed set of guidelines outlining standard operational procedures for police to be deployed in situations assessed as high risk.

The evidence that these recommendations have been adopted in any jurisdiction in Australia is scant and requires immediate examination and evaluation.
Prospects for the future
In prefacing its suggested policy initiatives, the Australian National Committee on Violence noted that there is a distinct advantage for Australians concerned with the problem of violence: we are not yet in the crisis situation that confronts many other regions of the world. Fortunately our homes, streets and neighbourhoods have fewer guns than our American cousins.

"[Yet] to allow history to unfold without any attempt at constructive intervention suggests a grim scenario: Australian youth are still relatively free of the anger, indeed the rage, harboured by many young people in Britain today. People who live in Australia's large cities are not besieged by beggars and defended by 24-hour security guards as are their counterparts in the United States. Unlike middle class and more affluent citizens of the third world, Australians are not yet prisoners in their own homes" (Australian National Committee 1990, p 241).

The Committee went on to identify a number of specific initiatives and programs (for public and private, government and professional sectors) which ought to be given priority if Australian policy-makers are to be seen to take this issue seriously (Chappell et al. 1991, p 292 ff). The interesting thing to note is that not one initiative involved the bolstering of the 'law and order' climate. It is somewhat significant that not one recommendation suggested adding to the ability of police to increase their fire-power or to relax the restrictions on police use of deadly force. Policy-makers should be concerned, said the Committee, with broadening the vision of the police, which could include a thorough review of the position of firearms in the police forces under their control and opening these policies to public scrutiny.

Summary
The thrust of the work of the National Committee on Violence was to express the view that, more than anything else, there needed to be a change in values in Australia, a change in community attitudes and a change in the distribution of resources if Australia was to become a less violent place in which to live in the future. It reviewed the evidence of violence in Australia and reached the conclusion that commonly held perceptions of violence are often incorrect. It found that it is simply not true that violence affects all groups of people in Australia equally. Some groups of people are able to avoid violence or (if affected) avoid its worst consequences better than others. The National Committee expressly eschewed a model, often touted by the political 'right', that greater force was needed by our police forces and services as a response to a violent 'criminal element'. That is, the usual 'law and order' responses to violent behaviour are inadequate and often counter-productive. Typical of such responses is the view that if only police were to be given powers to use and deploy firearms more often, and were given greater 'fire-power' in their 'war' on crime, then violence would be contained or even subside. The National Committee concluded that it was safe to ignore these simplistic explanations and responses to violence.

The evidence to justify the wearing of firearms and the use of deadly force on a routine basis by the police in order to ensure their own safety, to ensure public safety and to reduce levels of violence in the community generally is tentative at best. Given that conclusion, it may be an appropriate time to risk restricting police firearms availability and use in order to display to the community a willingness on the part of the law enforcement agencies that they too are party to the theme that to reduce levels of violence in our communities requires broad, creative and lateral responses, not just the power of the gun. This may require simply returning to the days when police did not
typically wear firearms, but were issued with a pistol or a revolver at the commencement of a shift in accordance only with an objectively perceived risk and need. This is perhaps more so where the officer is young or inexperienced (Swanton 1982). At the very least it would maintain that there is no justification for lessening the restrictions on the police display and use of firearms, a policy change actively sought by many members of the public if not the various Police Associations and unions of Australia.

Other reform proposals ripe for implementation, in addition to the broadly-based recommendations of the National Committee on Violence (above), could include the abolition of the 'fleeing felon' rule where it may still exist, the creation of a register of police as victims of shootings and cases where police fire on and injure or kill offenders, and making more publicly accessible policy information on the wearing and use of lethal weapons by police officers engaged in patrol duties. It would be highly unlikely that such information "could be of assistance to criminals" - an excuse offered in 1969 by a former South Australian Police Commissioner (Hawkins and Ward 1970, p 192) - but rather would enable the needs of police and the community to be better researched. Both groups would benefit from the policies that would flow therefrom. Such steps would go some way towards bringing "the use of firearms by police under reasonable and proper limits, consonant with the primacy of the value of human life" (Hogan 1988a, p 90).

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