



No.89

Police Shootings 1990-97

Vicki Dalton

Between 1990 and 1997, 75 people were shot in confrontations with police. Forty-one were shot by police officers and 33 died from self-inflicted gunshot wounds. This paper examines the 41 cases in which police shot people whom they were attempting to detain. Following a peak year in Victoria in 1994, training to minimise risk of the use of force was introduced, and fatal shootings have fallen significantly since that time. New technologies of restraint have also been introduced.

While police training is certainly effective, analysis of the cases shows that almost half of the persons involved were under the influence of alcohol or drugs at the time of the incident, one-third of the victims were reported to be depressed or to have had some form of psychiatric history, and one-fifth had a domestic altercation prior to police attendance. The police are therefore having to deal with some highly disturbed individuals.

This paper highlights the need for Australia's Police Services to be provided with the necessary defence and negotiation skills, as well as training in the effective use of appropriate weapons, in dealing with potentially fatal situations.

Adam Graycar
Director

Of the 222 deaths in police custody from 1 January 1990 to 30 June 1997, one-third were firearms-related, and of these 75 deaths more than half, 41, were inflicted by police officers. More people have died in police custody from gunshot wounds, either self-inflicted or inflicted by police officers, than from any other cause during the six-and-a-half year period.

This report identifies patterns and trends across jurisdictions in the incidence of firearms-related deaths in custody (persons shot and killed by members of Australia's Police Services while attempting to detain the people or prevent the commission of an offence). The paper will also address the widely debated issue of the use by police of "deadly force". Depending on the circumstances, what alternatives other than firearms are available to police when confronted with an armed, agitated or suicidal offender?

Background

The National Deaths in Custody Monitoring and Research Program was established at the AIC in 1992 in response to Recommendation 41 of the Royal Commission into Aboriginal Deaths in Custody. Since its establishment, the Program has been monitoring deaths in prison, police custody and juvenile detention (see ATSIIC 1997; Dalton 1997; 1998). This covers all deaths which meet the definition of a death in custody set out in the Royal Commission's Recommendation 41, namely:

- (i) *the death wherever occurring of a person who is in prison custody or police custody or detention as a juvenile;*

AUSTRALIAN INSTITUTE
OF CRIMINOLOGY

trends

&

issues

in crime and criminal justice

June 1998

ISSN 0817-8542

ISBN 0 642 24071 X



Australian Institute
of Criminology
GPO Box 2944
Canberra ACT 2601
Australia

Tel: 02 6260 9200

Fax: 02 6260 9201

For subscription information together with a complete list of the papers in the Trends and Issues in Crime and Criminal Justice series, visit the AIC web site at:

<http://www.aic.gov.au>

or send an email to:

aicpress@aic.gov.au

- (ii) the death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained, or by lack of proper care whilst in such custody or detention;
- (iii) the death wherever occurring of a person who dies or is fatally injured in the process of police or prison officers attempting to detain that person; and
- (iv) the death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody or police custody or juvenile detention. [Recommendations 6 & 41] (Royal Commission into Aboriginal Deaths in Custody 1991, p. 190).

Total Firearms-related Deaths in Custody

A total of 222 people died in police custody or police operations during the six-and-a-half year period 1 January 1990 to 30 June 1997. Death by gunshot accounted for the greatest number of these deaths. Table 1 and Figure 1 provide a breakdown of all causes of death in police custody/operations during this period.

Of the 222 deaths, 75 people (or 34 per cent) died as a result of gunshot wounds, in the main either self-inflicted or inflicted by a police officer. [In another two separate firearms-related deaths (excluded from this report), both individuals were in prison custody at the time of death; one died after being shot by a correctional officer during an escape attempt, and the second died in hospital after being shot by a police officer.]

It should be noted that all but one of the deaths involving firearms occurred while police or officers were in the process of “detaining” or attempting to “detain” the person concerned (see iii above). In the remaining case, the death occurred in an “institutional” setting (the

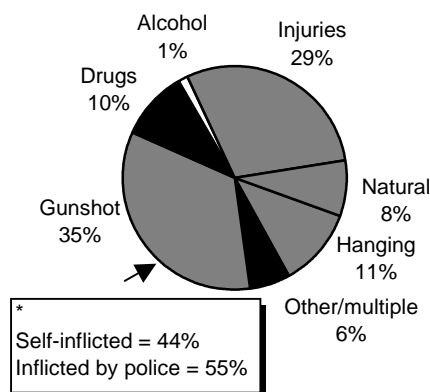
Table 1: Australian Deaths in Police Custody and Custody-Related Police Operations, 1 January 1990 to 30 June 1997, Cause of Death and Aboriginality

Cause	All Jurisdictions		
	Aboriginal	Other	Total
Gunshot	5	70	75
Injuries	19	46	65
Hanging	3	22	25
Drugs	2	20	22
Natural causes	7	11	18
Other/multiple causes	1	12	13
Alcohol		3	3
Not known		1	1
Total	37	185	222

deceased shot himself inside an interview room within the police station).

Of the 75 firearms deaths, 41 were inflicted by police officers (this total includes one death where the Coroner was unable to determine who fired the fatal shot), and 33 were self-inflicted.

Figure 1: Australian Deaths in Police Custody and Custody-Related Police Operations, 1 January 1990 to 30 June 1997, Cause of Death and Manner of Gunshot death



* Rounding error due to exclusion of death of one female shot by her husband during a siege situation.

Deaths Resulting from Gunshot Wounds Inflicted by Police

Table 2 and Figure 2 provide a breakdown of the 41 deaths that occurred during the 1 January 1990 to 30 June 1997 period where individuals died as a result of gunshot wounds inflicted by police. The greatest number of deaths occurred in Victoria (21 or 52 per cent), but that since the peak in 1994 these numbers have declined. Eight deaths occurred in New South Wales with the remaining jurisdictions recording smaller numbers of persons being shot by police. Table 2 also provides information on the rate of death per 100 000 population by jurisdiction.

Incidence, Location and Circumstances and Other Definitional Issues

All police shootings are recorded as “deaths in custody”. These deaths usually flow from police attendance following a call from a family or other community member in relation to a disturbance or other incident in progress. They are often followed by some type of threatening behaviour directed towards police who, believing their life to be in danger, shoot the person in self-defence.

These situations where police are attempting to “detain” the individuals concerned mostly occur in a community setting, i.e. a public street, private property, inside or outside the individual’s own residence, even on the beach. The circumstances surrounding the incident may involve a siege situation (whereby a defined area is defended by an individual against police presence), a raid by police (whereby police attempt to take into custody an individual in a defined area in order to detain), a pursuit on foot, etc.

In recent years, much media and community attention has focussed on the issue of police

Table 2: Australia, Deaths Resulting From Gunshot Wounds Inflicted by Police, Yearly Totals, by Jurisdiction and Aboriginality and Rate Per 100 000 Population, 1 January 1990 to 30 June 1997

Jurisdiction	1990		1991		1992		1993		1994		1995		1996		1997		Total		Overall Total	Deaths per 100 000 population
	Abl	Other	Abl	Other	Abl	Other	Abl	Other	Abl	Other	Abl	Other	Abl	Other	Abl	Other	Abl	Other		
NSW		1			2		1						1		3		8		8	0.16
Vic.		2		2	2		*2	1	8		3				1	1	20		21	0.58
Qld				1					1		1						3		3	0.11
WA				1					1								2		2	0.15
SA									1							1		1	0.08	
Tas.				1			1									1	1	2	0.60	
NT	1												1		1	1	2	3	2.33	
ACT											1						1	1	0.46	
Aust.	1	3	5	4	1	3	2	10	5	2	5	2	5	4	37	41			0.28	

Notes:

1. Includes one death in Victoria (*) in 1993 where the Coroner was unable to determine who fired the fatal shot.
2. Sources for population data: Australian Bureau of Statistics 1997, *Estimated Resident Population by Sex and Age: States and Territories of Australia*, ABS Cat. No. 3201.0, ABS, Canberra; Australian Bureau of Statistics 1996, *Experimental Projections of the Aboriginal and Torres Strait Islander Population: June 1991 to June 2001*, ABS Cat. No. 3231.0, ABS, Canberra.

use of “deadly force”. Many of the questions asked in this debate have surrounded issues such as:

- whether it is necessary for police officers to carry firearms and to what extent;
- when they have used firearms, have the circumstances justified their use on the occasion?
- to what extent is it essential to aim “to kill” or “incapacitate” the person?
- are police properly trained for dealing with agitated or confrontational persons threatening family members,

other civilians, or police themselves?

- what other alternatives exist for police to deal with handling persons in these type of confrontational situations?
- what investigatory and accountability procedures are in place following these deaths?

“Suicide by Cop” Phenomenon

A matter for conjecture in some cases is whether the deceased intended to lose his life by an indirect method informally referred to as “suicide-by-cop”. This phenomenon involves a deliberate intention of an individual to devise or manipulate a set of confrontational circumstances involving armed police officers who, because of the escalating intensity of the situation are impelled to discharge firearms at the individual, inevitably resulting in the death of the person concerned. In some instances the individual (usually male) may plead with police to be shot and with enough provocation may achieve this. It is important to know if the new firearms regulations and more thorough investigation and

monitoring of persons with criminal, violent or psychiatric histories will help prevent some of these incidents.

Precipitating Factors

In 34 of the 41 cases referred to above, the AIC has received a copy of the Coroner’s Finding, as well as other supporting documentation such as a Summation, Toxicology Report and/or Post-Mortem Report relating to each death.

Table 3 displays information about the 41 persons shot by police, including details about whether police had been threatened by the deceased with a firearm or other weapon, the jurisdiction in which the incident took place, the location of the incident, whether alcohol or drugs were involved, whether a domestic altercation had taken place prior to the incident, whether the person was depressed or had a psychiatric/mental illness and what offence the deceased had committed prior to death.

Examination of the 41 cases shows:

Figure 2: Australia, Deaths resulting from Gunshot Wounds inflicted by Police, Distribution of Incidents by Jurisdiction, 1 January 1990 to 30 June 1997

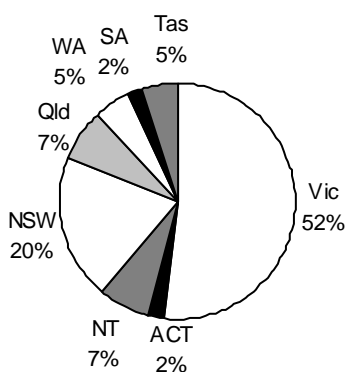


Table 3: Year of Death, Jurisdiction, and Circumstances Relating to Police Shootings, 1 January 1990 to 30 June 1997

Year	Juris-diction	Location of incident	Domestic	Alcohol	Depressed or Psych. history	Offence
1990	NSW	Hospital carpark	yes	yes & drugs		Attempted to stab police with knife
1990	Vic	Private residence	yes		yes	Unlawful detention x 2 member of public and wounding of resident with firearm; firing at SOG members
1990	Vic	Private residence				Aggravated burglary; pointing firearm at SOG members
1990	NT	Beach				Attempted murder x 2 member of public with spear; Charging at police with a spear
1991	Vic	Caravan park		yes	yes	Assault police officer with knife
1991	Vic	Private residence	yes			Threaten SOG officer with knife
1991	Qld	Shopping centre car park				Threaten member of public and police with machete
1991	WA	Private residence		drugs		Suspect in murder investigation
1991	Tas	Private residence	yes		yes	Shooting at SOG members
1992	NSW	Football oval				Pointing shotgun at police
1992	NSW	Public street				Threaten police with knife
1992	Vic	Outside Melbourne airport				Armed robbery
1992	Vic	Public street				Pointing firearm at police; discharging firearm in public
1993	NSW	Private residence		yes	yes	Threaten police with knife
1993	Vic	Private residence		yes		Assault member of public; attempt to assault police with sword
1993	Vic	Bushland (following escape from Melbourne Remand Centre)				Armed robbery; escape custody; wound police officer with gunshot
1993	Tas	Public place (outside shop)		yes		Pointing firearm (replica pistol) at police officer
1994	Vic	Public street	yes	yes		Threaten police with knife
1994	Vic	Outside block of flats			yes	Attempt to assault police with knife
1994	Vic	Public street				Threaten police with pick axe following burglary
1994	Vic	Private residence	yes	drugs		Assault (domestic); assault police
1994	Vic	Public street		drugs		Armed robbery
1994	Vic	Public street				Armed robbery
1994	Vic	Outside private residence	yes	yes & drugs	yes	Point crossbow at police
1994	SA	Public street		yes	yes	Attempt to assault police with knife
1994	Vic	Outside Welfare Centre		yes	yes	Attempt to assault police with tomahawk
1994	Vic	Public street			yes	Murder x 2 member of public with firearm
1994	Qld	Public street	yes			Attempt to murder (discharging firearm at police officer)
1994	WA	Outside police station			yes	Deprivation of liberty (taken police hostage); threaten to kill
1995	Qld	Public street		yes		Attempt to murder (discharging firearm at police officer)
1995	Vic	Public street			yes	Attempt to assault police with knife; abscond psych. facility
1995	Vic	Outside private residence	yes	yes		Attempt to assault police with knife
1995	Vic	Private residence		drugs		Assault police officer with knife
1995	ACT	Private residence		yes	yes	Attempt to assault police with knife
1996	NSW	Private residence				Pointing firearm at police officer
1996	NT	Bushland				Discharge firearm at police
1997	NSW	Public street		drugs		Pointing firearm at police officer; armed robbery
1997	NSW	Outside private residence		yes	yes	Attempt to assault police with knife
1997	NSW	Bondi Beach			yes	Attempt to assault police with knife
1997	Vic	Public street		drugs		Attempt to assault police with machete; armed robbery
1997	NT	Public street		yes	yes	Discharge firearm at police

- Victoria recorded the largest number (21 out of 41) of firearms deaths inflicted by police officers, followed by New South Wales (8), Queensland (3), the Northern Territory (3), Western Australia (2), Tasmania (2), and one each for South Australia and the Australian Capital Territory.
- Three of the 41 deaths were of females (one Aboriginal). All three deaths occurred in Victoria. The remaining 38 deaths were of males (including 3 Aboriginal men).
- The ages of those who died ranged from 16 to 50 years, averaging 33 years.
- Nearly half of all deaths took place in a public street or carpark. Approximately one-third of the deaths occurred at a private residence, either inside or outside. In the remaining instances, the individuals were shot on a beach (2), in bushland (2), in a hospital carpark, on a football oval or outside an airport.
- In more than one-fifth of the cases, a domestic altercation had preceded police attendance.
- Alcohol (and drugs) may have been a contributing factor, with almost half of those who were fatally shot by police being under the influence of alcohol (or drugs) at the time of the incident.

In a noticeable proportion (more than one-third) of the total, the deceased was reported to have been either “depressed” or to have had some form of psychiatric history requiring treatment.

Policy Issues

All fatalities occurring in police custody or during the course of a

police operation are subject to an Coronial inquest. For the police officers involved and their respective Police Service it is important that the circumstances surrounding a death be fully ventilated. It is also important that the general community be satisfied that the police have acted properly and that any criticisms of their handling of the incident be addressed. It is not uncommon during Inquests for Coroners to make recommendations that may be applicable for improving police operations procedures.

The role of the Coroner is to identify the deceased; to determine the date and place of death; the manner and cause of death (including the circumstances surrounding the death); and, if applicable, to make recommendations to the appropriate authorities to prevent a death in similar circumstances occurring in the future. The function of the Coroner is not to lay blame or fault upon any person/s, but rather, to examine every detail of the incident and the actions of all those involved to establish the true manner and cause of death.

If during the subsequent inquest the Coroner is satisfied that the evidence establishes a prime facie case of an indictable offence of causing such death against a known person, the Coroner must terminate the Inquest and forward the papers to the Director of Public Prosecutions. Any other negligence is not a matter for the Coroner to comment upon. To complete the task the Coroner must examine every aspect of the case in minute detail. This must entail background information on the deceased, including psychological, criminal and violence history. It must take into account the role of civilians, witnesses, family members, the police themselves as well as any others involved, for example negotiators.

It is not unusual for a Coroner to highlight inadequacies in investigations by police into a

particular death. For example, they may demonstrate the difficulties which arise when police officers investigate the activities of other police officers involved in a death. It is often the case that serious discrepancies arise between the accounts of police officers themselves, not to mention discrepancies with the reports of other witnesses present. On the other hand, it is human nature that individual perceptions and recollections will inevitably differ and that, for police themselves, these differences do not justify speculation of collusion. It is often not until an inquest is in progress that some of these issues become evident.

The role of the police is examined in every detail, from the moment police received notification to attend the scene. The central issues are whether the approach was appropriate and what options existed (for example, was confronting the deceased by way of a forced entry raid more appropriate in the circumstances than isolating and containing him in siege/hostage situations), and whether the fatal shot directed at the deceased was fired in self-defence. Other issues canvassed might concern the officers’ training and experience in dealing with psychologically disturbed, depressed, suicidal, drug or alcohol-affected, or violent offenders and the availability of other weapons to assist in incapacitating the offender (for example, batons, capsicum spray, specialist groups or negotiators), as well as the threat to others present.

It must be remembered that where police resort to deadly force, they usually do so in the context of a sudden, violent and often terrifying attack by an armed assailant. In these situations retreat or another course of action may not be an option. Attempting to disarm a volatile offender can be extremely hazardous and the use of batons, gas or capsicum spray may be ineffective or not conducive in some situations.

In March 1994, Victoria Police announced a review of use of firearms following its fourth death during that year (Task Force Victor 1994). In September 1994, Project Beacon was introduced, its aims "to enhance and reinforce the culture, practices and capabilities of members to operate effectively, with minimal use of force and risk of harm or injury to any person". This required police to attend a five-day operational safety and training tactics course, with a two-day follow-up course every six months. The project, aimed at improving the management of potentially violent incidents involving police officers, has been rated as a success by many, with a reduction in the number of violent incidents involving police and offenders, and the majority of life-threatening incidents having been resolved without fatalities. resulting.

Victoria introduced capsicum spray in April 1996 and attribute the decrease in the number of persons fatally shot by people since that time to this. South Australia also reports success in using capsicum spray to resolve violent situations. Other jurisdictions involved in trialing or using the spray are New South Wales, Queensland, South Australia, Tasmania and the Northern Territory. However, in recent times, there has been much controversy surrounding its negative and harmful effects on offenders' health, with concerns that the spray could exacerbate illnesses such as asthma, restrict breathing or cause severe stinging and burning in the eye area. On the other hand, it is seen by many as the best option available when its harmful effects are measured against the possible outcome of firearms use.

Over the years, police services have experimented with, or considered the use of, various non-lethal control techniques (eg. stun guns, gas, stunshields, tasers, sedative darts, etc.). Some have proved ineffective and others require further

investigation and testing. Continued research and trialing is needed in the area of non-lethal weapons for use by police officers when confronted with dangerous, violent or psychologically disturbed and/or armed offenders (see Grabosky 1998).

Conclusion

Information contained in this paper confirms that a large number of those who die as a result of a gunshot wound (either self-inflicted gunshot or inflicted by police) were either mentally ill or psychologically disturbed at the time of the incident. A significant number were also depressed, or severely agitated because of a domestic incident preceding police intervention. It can also be seen that alcohol (and drugs) may have been a contributing factor in some of these incidents. Australia's Police Services and Governments need to maintain their level of commitment and training to assist police in dealing with these incidents.

Police must be provided with the necessary defence and negotiation skills and weapons training necessary for dealing with irrational, armed and violent offenders, who may also be psychologically disturbed, mentally ill, or drug/alcohol-affected. Moreover, Coronial inquests have highlighted many of the issues that need to be addressed, and numerous recommendations have been forthcoming in recent years. These recommendations need to be implemented wherever possible.

References

Australian Bureau of Statistics 1997, *Estimated Resident Population by Sex and Age: States and Territories of Australia*, ABS Catalogue No. 3201.0, Australian Bureau of Statistics, Canberra.
 Australian Bureau of Statistics 1996, *Experimental Projections of the Aboriginal and Torres Strait Islander*

Population: June 1991 to June 2001, ABS Catalogue No. 3231.0, Australian Bureau of Statistics, Canberra.
 Australia, ATSI, Monitoring and Reporting Section, Dalton, V. & Carcach, C. 1997, Vol 1, *Five Years On: Implementation of Commonwealth Government Responses to the Recommendations of the Royal Commission into Aboriginal Deaths in Custody Annual/Five Year Report 1996-97*, Vols 1-3, ATSI, Canberra.
 Carcach, C. & McDonald, D. 1997, *National Police Custody Survey*, Research and Public Policy Series No. 9, Australian Institute of Criminology, Canberra.
 Dalton, V. 1997, *Australian Deaths in Custody & Custody-related Police Operations 1996*, Research and Public Policy Series No. 10, Australian Institute of Criminology, Canberra.
 Dalton, V. 1998, *Australian Deaths in Custody & Custody-related Police Operations 1997*, Trends and Issues in Crime and Criminal Justice No. 80, Australian Institute of Criminology, Canberra.
 Grabosky, P. 1998, *Technology & Crime Control*, Trends and Issues in Crime and Criminal Justice No. 78, Australian Institute of Criminology, Canberra.
 Royal Commission into Aboriginal Deaths in Custody 1991, *National Report*, Vol. I, (Commissioner Elliott Johnston), AGPS, Canberra.
 Victoria Police 1994, *Task Force Victor, Police Shootings: A Question of Balance*, 21 October 1994.

Vicki Dalton is a Research Analyst with the Australian Institute of Criminology



General Editor, Trends and Issues in Crime and Criminal Justice series:
 Dr Adam Graycar, Director
 Australian Institute of Criminology
 GPO Box 2944
 Canberra ACT 2601 Australia
Note: Trends and Issues in Crime and Criminal Justice are refereed papers.