

## The Public, the Police and Australian Gun Policy

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The economist Charles Handy (Handy, 1995) reminds us that the world is full of paradoxes. He adds, however, that the existence of paradoxes, and their ability to confuse the directions public policy should take, should not cause us to throw up our hands in despair and capitulate. Rather, we are challenged to make sense of life's inherent contradictions in order to forge a better understanding of what is needed in order to succeed rather than fail. This paper considers some paradoxes in the current gun debate. It tries to make some sense of it all. It tackles first the public and guns issue, and then the topic of police and guns. There are no clear answers, but there are some public policy choices which are better than others.

Bumper stickers are rarely paradoxical. There are two bumper stickers that have been popular in the United States in recent times:

*God, Guts and Guns Made America Great, and*

*My wife maybe, my dog perhaps, my gun never.*

The latter infers, I think, that some things in life are expendable and others are not. The fact that these sentiments are popular in the United States indicates that guns are serious business. If we thought the passion of this topic was confined to that country, the events of the last month in Australia have been sobering to say the least. There the American comparisons end. This paper is about Port Arthur and the paradoxes one is likely to find in the Australian political landscape.

### Paradoxes and Port Arthur

Of course, Port Arthur presented a paradox long before the horrific events on April 28 1996 sent shock waves around the nation. The magnificent harbour and the surrounding bushland scenery had played host to some of the most terrible misery and cruelty inflicted on human beings since Australia's colonial history.

Latter-day paradoxes are no less evident. On the political front, conservative forces that have always appeared keen to arm citizens as a defence against crime are now leading the call to disarm a sizeable proportion of their own constituencies. Tasmania has been one of the leading campaigners for States' Rights, especially over the divisive issue of gun laws, yet it has now led the charge and the race for uniform legislation in the midst of some of the most remarkable parliamentary bi-partisan unity this country has seen for years, all police ministers being committed on May 10 1996 to a range of reforms, but especially the banning of the importation, ownership and possession of all semi-automatic weapons. There are proposals for a national licensing system and uniform firearm registration scheme, an amnesty and a buy-back scheme and tighter controls on mail order sales amongst other things. There are repeated cries for greater government intervention into the lives of those who are likely to exhibit dangerous tendencies or who own firearms.

Paradoxically, the catch cry of the 1980s was that government should "get off our backs". Safe assumptions about government intervention and political divisions, then are no longer safe, post Port Arthur.

## The Public and Guns

The Prime Minister's endeavour on May 10 1996 to apply pressure on the States to reach uniformity is not unprecedented. The National Committee on Violence addressed this issue in their 1990 Report; *Violence: Directions for Australia*. No other subject, said the Committee, had "elicited such a degree of intense comment as has the proposal to restrict access to firearms" (Australian National Committee 1990, p 173). On another occasion it was said that the gun issue had "borne closer resemblance to a religious debate than to rational discourse on public policy" (Chappell *et al* 1991, p 175). In the end, the committee called for a national gun control strategy and a uniform policy concerning the acquisition and possession of firearms (Australian National Committee 1990, p 175; Chappell 1992; Sarre 1994b, p 242). They did not call for a complete ban on semi-automatic long arms, preferring to restrict them "to individuals with a specific need" (Recommendation 57.2). The most vehement opposition at the time came from Queensland, New South Wales and Tasmania. These states in 1991 walked away from talks on a national licencing system, and in November 1995 in Hobart, further attempts towards a national strategy were again thwarted. Apparently Barry Unsworth said, after his defeat at the polls in the late 80s, that it would take a massacre in Tasmania to change all of that (Bolkus 1996).

One thing is certain in all the hype surrounding this topic. Statistics on the numbers, availability and distribution of firearms (licensed and unlicensed) in Australia simply do not exist (Stenning 1996). The research database is very limited indeed. This fact was acknowledged a decade ago (Australian Institute of Criminology 1988) and there has been little success in the intervening years to change that.

The best that can be done is to refer to some rough calculations, based upon 1992 research (Killias 1993 cited in Stenning 1996). Assume, firstly, that 41% of rural households are gun-owning, compared to about 12% of metropolitan-based households. (There are State variations – from 27% of all NSW households to 50% of Western Australian households – but these 1992 percentages are a good working figure). About 15.1% of all households in Australia are gun-owning. (Note that the figures appear to be dropping, from 19.6% in 1989). Although test samples used by Killias were small, Stenning's analysis of his figures leads him to the conclusion that, if there are on average about 2.5 guns per gun-owning household, in 1992 there were between 2.2 to 2.8 million guns in private ownership in Australia (Stenning 1996). Former speculations (Australian Institute of Criminology 1988; Australian National Committee 1990, p 173) that there are "at least 3.5 million guns" in this country or perhaps "up to 5 million firearms" (Nixon 1991, p 14) provide little more than speculation and are hence unreliable. No-one can give any accurate response. As former Director of the Australian Institute of Criminology, Professor Duncan Chappell, quipped recently, we know more about the numbers and distribution of rabbits in Australia than guns. Those costing the gun "buy-back" scheme are therefore playing with rubbery figures.

Similarly, discussions by commentators connecting firearm availability and suicide, homicide, robbery, sexual assaults and accidental deaths consist of much generalisation but little hard evidence. Statistics may help us paint a better picture here. About three quarters of firearm deaths each year are from suicides. That figure doesn't change very much. In the 1980s, only about 15% of firearm deaths were homicides. Looking at the first four years of the 1990s we see that the average annual homicide by firearm rate is dropping, 13.5% of firearm deaths were homicides, down from 15%, and of all homicides only 23.3% were as a result of firearms misuse, compared to about 32% in the 1980s. There are State by State differences and, of course, the figures will be skewed post-Port Arthur, given that 35 people died on that fateful afternoon, amounting to almost 50% of the average homicide by firearm rate in all Australia over the last few years.

Moreover, only 4.5% of police-recorded firearm homicides are committed with automatic or semi-automatic weapons (Strang 1994 cited in Stenning 1996). The evidence that may point to the firearm as being the key variable in all this is scant indeed.

So there are many variables that impact upon firearm homicide rates. Firearm availability is just one of the variables, indeed, one of the minor variables it appears. The links remain unclear. The uncertainties are exploited well by the various (and vociferous) gun lobbies in this country.

This is not to say that the agreement struck between the Prime Minister and the States' and Territories' police ministers on May 10 1996 should not be welcomed. Let me declare a bias. I approve of the uniform gun laws initiatives for three reasons:

- One should err on the side of restraint in the absence of the evidence;

- One should endeavour as far as possible to remove from the public domain the most obvious and potentially odious symbol of modern violence, and place the onus on gun enthusiasts to justify their reasons for using them;
- A uniform approach is essential in order to avoid inequities, recognise the artificial nature of State boundaries, and to ensure the validity of statistical analysis (by having a common framework) Australia-wide.

The research base clearly needs to be widened. While there have been piecemeal changes from time to time at State level to enact some tighter restrictions on gun possession, licensing and use, no systematic evaluations of the effects of any of these changes have ever been conducted. Advocates on both sides of the gun divide in Australia make sweeping statements which assume that relationships between guns and danger or guns and safety are well documented and understood. They are not. We are deep in the realms of uncertainty.

Perhaps that fact provides another paradox. We know much about the things that don't seem to matter and little about the things that have the potential to impact our lives greatly. I wish we knew as much about gun ownership, the effects of regulatory controls and the links between mental illness, firearm availability, violence against women and multiple homicides as we do about gambling odds or sports statistics. It is a matter of priority of course. It would not be too difficult to discern a paradox in our apparent enthusiasm for "bread and circuses" at the expense of matters that could make a difference between life or death.

## Police and Guns

In the last two decades there have been major shifts in the firearms policies of Australia's eight police jurisdictions. The moves amongst Australia's 35 000 serving police officers from the deployment of the baton to the covered pistol, and then to the widespread carriage of the exposed revolver, have occurred more by a process of incremental accretion, with tacit yet popular public acquiescence, than as a result of a careful series of decisions following public debate. Harding's note in 1970 (1970, p 14) that the New South Wales Police Force (as it was then known) was the only force that was habitually armed has become an anachronism, indicating how much things have changed elsewhere in Australia. While the details of these changes vary from jurisdiction to jurisdiction, there has been a clear trend towards greater reliance by police on firearms in their day to day operations.

Both in the minds of large sections of the general public, and amongst many police officers themselves, there exists an unchallenged axiom that the more firearms are deployed by

police the greater the effectiveness of policing. That axiom has been seriously challenged by recent events in Victoria but it has not disappeared. There is still a very strong belief that, despite the risks to police themselves by carrying their firearms, and despite the risks to the wider community, firearms are a necessary evil, and their carriage is to be preferred rather than rejected. The belief is that if there is a chance that wrong-doers will be carrying firearms, then the police ought to be prepared and able to match them. It is purely a belief. There is little evidence.

No research has ever been attempted to test, systematically, the assumption that regular firearm carriage by police makes for safer communities and results in fewer shootings of and by the police. This is not to say that the questions have not been asked and the hypotheses have not been proposed. In 1970, two Australian academics, Gordon Hawkins and Paul Ward, 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 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 of Australia that followed the more "American" model (ready access to firearms) with those that followed the more British model (limited access or unarmed). They conclude 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)**

While some Australian research has reviewed the occupational health and safety aspects for police officers of firearms carriage (e.g. Australian Institute of Criminology 1987; Swanton and Walker 1989), little research has ever been conducted in Australia on the links between police firearms carriage and the effectiveness (or otherwise) of policing generally, and twenty-six years on, no-one has revisited the Hawkins and Ward hypothesis specifically.

Why is this so? There are probably two key reasons. Firstly, the information required to explore the issue is, for the most part, difficult to locate, for it is not maintained in any systematic fashion. It is not an area where national policies are regularly collated and statistics routinely maintained. Police have traditionally been reluctant to make public these types of information, although that reticence is changing.

Secondly, it is very difficult to isolate the variables and construct an appropriate methodology to test the appropriate hypotheses. Attempting to discover correlation between firearms deployment and risks to police and citizens is extremely difficult. The variables that might influence the effects of firearms carriage upon police safety and the safety of the public are many. They include the levels of crime and violence generally, fear of and by the police, the implementation of de-institutionalisation policies regarding the mentally ill, the treatment of the emotionally distressed, patrol safety and security policies, recruitment and training requirements, police culture, and police patrol numbers and firepower. Firearms carriage by police, like the availability of guns in the general population, is only one factor amongst many in the research "equation" (Hogan 1988, p 81).

Shifting briefly to the private sphere of policing, it is not generally the case that private security in Australia carry firearms routinely, although the incidence may increase as regulations develop in every jurisdiction for formal qualifications to be obtained by those seeking a licence to police privately (Sarre 1994c). That would be a worrying trend.

Let me declare a bias again. I would favour any policy that places clear restrictions on police (public and private) possession of a firearm. My view is that police carriage of guns encourages three things that may work against the common weal:

- an alienation of the police from the community they serve by enhancing police power and thereby frustrating the task of community policing (Sarre 1996a, p.36)
- a belief that a weapon-based response is an effective way of resolving conflict
- a view that the most threatening violence in our community is random and unpredictable when, for the most part, that is not the case.

But these views are largely without scientific support either, except that they have been embraced by the framers of Operation Beacon, the firearms regime that was born out of the recommendations of Task Force Victor discussed below.

## The British Position

It should also be noted that the assumption of Hawkins and Ward concerning the British position is now flawed. It is no longer true, if it ever was, to assert that British police officers are routinely unarmed. Since 1883 it has been possible for officers on the "outer divisions" of London to carry revolvers during night duty. In the majority of police forces within the UK now, an armed response vehicle is on patrol with a primary task to attend potentially violent situations. It is true, however, that "Bobbies" are *not* issued with firearms on a routine basis.

In 1995 there was a suggestion that that policy should change. There was stiff resistance from amongst the ranks themselves. The *Guardian Weekly* of 21 May 1995 reported that, in a poll taken by the Police Federation of England and Wales, four out of five officers had no desire to carry a firearm routinely. The Home Secretary, said the *Guardian Weekly* report, had strongly resisted calls to end Britain's status as one of the few unarmed police forces in the world. Indeed,

**... the Metropolitan Police has historically adopted an explicit policy of minimising its preparedness for, and competence in, using firearms. Guns were resorted to only occasionally and the police gave low priority to training, relying instead upon the training some officers had previously received during military service. (Waddington 1998, pp.3-4).**

#### Recent Australian Research

With funding from the Criminology Research Council, I recently completed a survey of all eight Australian police jurisdictions regarding their policies on police firearm carriage. It is the first such survey since Swanton and Hannigan over a decade ago (Swanton and Hannigan 1985). The report places the various police firearms policies in the context of the pertinent recommendations of the report of the Australian National Committee on Violence in 1990 (Sarre 1996b). This committee called for a uniform police firearm policy six years ago in their February 1990 report (Australian National Committee 1990, p 196, Sarre 1995, p 370).

Notwithstanding the 1990 call, the position concerning the carriage and use of firearms within Australian police jurisdictions is not at all uniform. On just about every issue referred to there are differences from jurisdiction to jurisdiction. There is no uniform policy on the requirement that police officers be armed. In some cases, it is mandated while in others it is discretionary. There is a presumption of arming in NSW while there is a presumption that police not be armed in Victoria unless primary duties may bring officers into contact with an armed person (a policy that emerged after the 1994 experience of nine dead at the hands of police). Some jurisdictions permit officers to have private firearms or to keep these weapons at home while off duty. Others do not. Some permit *carte blanche* carriage while others restrict carriage in sensitive areas such as schools, sporting areas and parades. Some insist that safes be provided for weapons storage. Others do not.

There are often different statements of purpose for the carriage and use of firearms and indeed these purposes are only stated explicitly and clearly in a "theme" statement in three jurisdictions. The Northern Territory Police policy is exemplary in this regard. "The law", it says, "jealously guards human life and will not sanction the taking of it except in cases of extreme necessity". The investigation of firearms incidents is conducted by different investigators and teams in each jurisdiction and is rarely required to be independent of the police. The Northern Territory Police policy permits warning shots, while the other jurisdictions forbid them. NSW prohibits shooting to wound. Others do not make such a specific prohibition. The "fleeing felon" rule has been abolished or modified in some jurisdictions while remaining untouched in others.

Some police officers are required to undergo only annual training (or biennial training in the Australian Federal Police) while others must receive practice in the safe handling, firing and maintenance of firearms at least once every six months, for example under the rigorous Victorian approach. The work of the National Police Research Unit (NPRU) in establishing an Australian-wide research focus on the minimum requirements (competency-based) of firearms training, the use of less than lethal weapons, conflict resolution, critical incident management and the operational aspects of high risk situations is still in its nascence.

The recommendation of the National Committee on Violence for a nationally agreed set of guidelines in "high risk" situations (86.4), (National Police Research Unit 1992) and a uniform approach to firearm policy (Implementation Reports 1994) appears to have been ignored entirely, if one were to rely upon the standard firearm operational instructions of each jurisdiction.

All policies are silent on police discipline issues regarding firearm abuse, preferring to leave this matter, one must assume, to other policies. The documents are largely silent on Critical Incident Stress Debriefing and training in non-lethal alternatives. Cross-referencing to other policies is only sometimes available and not all that systematic. There is little commitment to review of policy. There is no commitment expressed anywhere to public comment and consultation.

The inevitable conclusion is that, although jurisdictions are represented at Australasian Police Ministers' Council and the Police Commissioners' Policy Advisory Group, and although the NPRU is a national body making recommendations on matters regarding firearms deployment and firearms training nationally, uniformity of approach is a myth. It would appear, therefore, that the firearm policy of each police force or service, like national firearm laws, has come about without regard to the desirability of a uniform policy. Policy instructions and procedures, their form and substance, appear to have been drafted largely in isolation from other policies. There is one exception. The general policies of Victoria, Queensland and the Northern Territory have been influenced by the same team of policy advisors from Project Beacon, established in 1995 following the Task Force Victor Report

(Task Force Victor 1994), and a significant degree of uniformity has resulted from this cooperation.

If the local Conditions are so specific that individualisation of policy creates a better environment for policing specific communities, then a lack of uniformity may not be such a limitation. There is, however, little evidence that that factor played a major, or any, part in these considerations (Sarre 1994a, p 50). A lack of consultation and a consistent approach to policy implementation may lead to confusion, the potential for injustice and increased costs. The *ad hoc* approach to the creation of police firearms policies in this nation has left many jurisdictions "reinventing the wheel".

As the New South Wales Police Service moves rapidly towards the introduction in 1997 of semi-automatic weapons, and as Victoria, Queensland, Tasmania and the Northern Territory move to implement the Project Beacon-style reforms, the need for research on the links between firearm carriage and community and police safety is more pressing than ever.

## Conclusion

There are many paradoxes in life. A persistent and troubling one is that the older and wiser societies become the less capable they appear to be of resolving complex social problems. Handy (1995, p 22) reminds us that where life fails it can succeed. Where life failed on April 28 1996 in Port Arthur it can succeed if it learns from that experience and endeavours to put in place mechanisms that reduce the chances of such a disaster happening again.

Research is needed to explore possible connections between gun availability and brutal killings. In the short term the onus should be upon those seeking to justify less restrictive gun laws to make out their case. At the moment the case is entirely unclear.

The first thing we ought to do is think of a modest response to the bumper stickers I referred to earlier. Not *God, Guts and Guns made America Great* but perhaps *Good sense, bipartisan support and a precautionary principle on firearms makes Australia a safer place in which to live.*

Not *My wife maybe, my dog perhaps, my gun never* but perhaps *I love my spouse and my family and its pets and I would gladly put my enjoyment of guns on hold until such time as I can safely say that their presence in the house threatens no-one.*

I am very sceptical about the ability of any of these stickers to fit onto the average sedan, but I am hopeful that sales in Australia would outstrip all expectations.

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