Police and Force: a comparative study of the police use of weaponry in the Republic of China (Taiwan) and England and Wales

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ABBREVIATIONS

ACC	=	Assistant Chief Constable.
ACPO	=	Association of Chief Police Officers.
AFO(s)	=	Authorised Firearms Officer(s).
AMAG	=	American Military Advisory Group.
APB	=	Airport Police Bureau.
ARV(s)	=	Armed Response Vehicle(s).
AUPW	=	Act on the Use of Police Weaponry.
BTP	=	British Transport Police.
CC	=	Chief Constable.
CCP	=	Code of Criminal Procedure.
CDN	=	Central Daily News.
CIB	=	Criminal Investigation Bureau.
CICB	=	Criminal Injuries Compensation Board.
CID	=	Criminal Investigation Department.
CLA	=	Criminal Law Act.
CPC	=	Central Police College.
CPS	=	Crown Prosecution Service.
CPU	=	Central Police University.
CSPO	=	Centre for the Study of Public Order.
DCC	=	Deputy Chief Constable.
DPP	=	Democratic Progressive Party.
DT	=	Daily Telegraph.
EESB	=	Entry and Exit Service Bureau.
FAPC	=	Foreign Affairs Police Corps.
FCJ	=	Free China Journal.
FDN	=	Free Daily News.
FYPACP	=	Five Year Police Administration Construction Programme.
GIO	=	Government Information Office.
GPUF	=	Guidelines on the Police Use of Firearms.
HMI	=	Her Majesty's Inspector of Constabulary.
HOCPC	=	Home Office Crime Prevention Centre.
HPB	=	Highway Police Bureau.
IACP	=	International Association of Chiefs of Police.
KMG	=	Kaohsiung Municipal Government.
KMPH	=	Kaohsiung Municipal Police Headquarters.

KMT	=	Kuomingtang-Nationalist Party.
LPA	=	Local Police Authority.
MDP	=	Ministry of Defence Police.
MDT	=	Mutual Defence Treaty.
MGPUF	=	Manual of Guidance on Police Use of Firearms.
NCIS	=	National Criminal Intelligence Service.
NDIU	=	National Drugs Intelligence Unit.
NFIU	=	National Football Intelligence Unit.
NGPA	=	National General Police Administration.
NIB	=	National Identification Bureau.
NPA	=	National Police Administration.
NPPC	=	National Park Police Corps.
NRA	=	National Revolutionary Army.
NSB	=	National Security Bureau.
NSY	=	New Scotland Yard - Metropolitan Police.
PAB	=	Police Advisory Board.
PACE	=	Police and Criminal Evidence Act.
PC	=	Police Constable.
PCA	=	Police Complaints Authority.
PCB	=	Police Complaints Board.
PNB	=	Police Negotiating Board.
POGTORM	=	Public Order Guide to Tactical Options and Related Matters.
PRSU	=	Police Requirement Support Unit.
RCSIU	=	Regional Crime Squads and Intelligence Units.
RHKP	=	Royal Hong Kong Police.
ROC	=	Republic of China.
RPC	=	Royal Parks Constabulary.
RUC	=	Royal Ulster Constabulary.
SRFT	=	Special Response Firearms Team.
SWAT	=	Special Weapons and Tactics.
Taiwan (ROC)	=	Republic of China on Taiwan.
TFU	=	Tactical Firearms Unit.
TGGC	=	Taiwan General Garrison Command.
TMG	=	Taipei Municipal Government.
TMPH	=	Taipei Municipal Police Headquarters.
TPC	=	Taiwan Police College.
TPEDPCR	=	Temporary Provisions Effective During the Period of Communist Rebellion.

TPG	=	Taiwan Provincial Government.
TPMPA	=	The Programme of the Modernization of the Police Administration.
TPPA	=	Taiwan Provincial Police Administration.
TPPAR	=	The Programme of Police Administration Reformation.
TPSPDSS	=	The Programme of the Simplification of the Police Direction and Supervision System.
TSPOTC	=	Taiwan Senior Police Officers Training Class.
UAEAC	=	UK Atomic Energy Authority Constabulary.
UDN	=	United Daily News.
UDR	=	Ulster Defence Regiment.
YDN	=	Youth Daily News.

INTRODUCTION

After receiving four years of full-time police training at the Central Police University (CPU) in Taiwan (ROC), the author became a member of the Taiwanese police force. During nine years of service, the author was chief of a police station; captain of the CID; captain of a Special Response Firearms Team (SRFT); and experienced gun-fighting with gangsters on the streets several times. In the gun-fighting incidents, the author was injured once, witnessed colleagues and innocent bystanders shot dead and injured by the gangsters, and also saw gangsters and innocent people shot dead and injured by the police. The police officers concerned were sued by the victims or their relatives and some of the incidents even resulted in protests and disturbances.

All of these incidents create problems for and amongst the officer, the officer's family and friends, the officer's agency, the victim and the victim's family. These events stirred the author to pay more attention to the use of police weaponry. Both in Taiwan (ROC) and whilst researching this thesis the author has written many articles on this subject which have been published in police journals and magazines. In 1985, the author was awarded a Master's degree in police science by the Graduate School of Police Administration of the Central Police University. His Master's thesis examined the use of guns by the police and he used interview and questionnaire survey methods to review and analyse the laws regarding the use of police weaponry in Taiwan (ROC), the reasons why police officers are murdered there and ways to protect the safety of police officers. Many of his suggestions have subsequently been adopted by the police administration.

During the last decade, the number of police officers murdered in Taiwan (ROC) has been increasing, especially after Martial Law was lifted in 1987. There is considerable difficulty in controlling the availability of firearms as they are smuggled into the country. This problem has caused a great deal of concern to the police administration, the public, and the government. In 1989, the author was rewarded by the government with the chance to study abroad to pursue a Ph.D degree. There are, of course, different police systems in different countries. But the British police are particularly highly regarded for their professionalism, effectiveness, ethical code, relationships with the public, use of minimal force, and respect for human rights. The British police have also produced regulations and practices governing the use of police weaponry. For

these reasons, the United Kingdom (UK) was the first choice and the most suitable place for the author to undertake his proposed comparative examination of police use of weaponry.

As a result of the increasingly prosperous economy and wealth of the people, and the considerable reforms in politics during the last four decades, Taiwan (ROC) has attracted more attention from the outside world and has played a developing role in the international arena. But almost all the research regarding Taiwan (ROC) has been concentrated on the development of the economy and politics, and it is quite difficult to find research on the Taiwanese police outside Taiwan (ROC). This is not the case, of course, with the British police. After over one and half centuries' development, its image, practical operation, organisation, style, efficiency, and police-public relations, have all helped to establish a good reputation throughout the world. However, due to the lack of interchange and communication, research about British policing in Taiwan (ROC) has been very limited. Indeed, the author is the first person since the 1950s to come from Taiwan (ROC) to the U.K. for any length of time to study policing.

This thesis consists of eight chapters. The motivation and hypotheses of the research, as well as the scope and definition, literature review, and research methods that the author has adopted are outlined in the first chapter.

Chapter 2 gives a brief review and analysis of police developments in China and Taiwan (ROC) before 1980. The 'modern police' was set up in 1862 in China. Despite this early start, political corruption at the end of the Ch'ing Dynasty gradually weakened the country, resulting in social disturbances and a series of defeats by foreign powers. After the Republic was established in 1911, it was not only confronted by strong foreign powers and bound by terms of unequal treaties, but the country was still not unified and was controlled by regional military forces under strong war-lords. This led to a series of civil wars. The national government, faced with the Japanese aggression, joined the Second World War, and with the subsequent onset of the civil war between the national government and the communists, the country hardly knew a day of peace, and the normal development of the police was affected deeply. In 1949, the national government was defeated by the communists and moved its seat to Taiwan, and in order to protect the security of the nation it implemented Martial Law. This also seriously affected police development. On the other

hand, gradual changes in the economy, society and politics led to changes in the role and status of the police.

More recently, particularly since the mid-1980s, there have been a number of important developments which have led to notable changes in the whole country. These include the lifting of the Emergency Decree-Martial Law; the lifting of bans on strikes and demonstrations; the formation of new political parties; the publication of new newspapers; a relaxation of restrictions on the number of pages allowed per issue; constitutional reforms; and the improving relations between the two sides of the Taiwan Straits. The lifting of the Emergency Decree-Martial Law was especially significant. It has resulted in a dramatic change in police organisation, in the police mission, and in the role, status and powers of the police. The changes have also resulted in a series of challenges for the police, such as firearms smuggling, attacks on police officers, a rise in crime and public disorder and also demands for increased police accountability and greater discipline. Chapter 3 examines these developments in detail.

Chapter 4 undertakes a survey of the police in England and Wales before 1964. The Metropolitan Police was established in 1829, and it faced a series of difficulties before and after its establishment. This Chapter explores the inception of the 'new police' and examines the decision to establish an unarmed force. It also considers the way the police developed, their relations with the public and their conditions of service and training. The accountability and control of the police have been issues since the very beginning and these were matters which were considered by the Willink Royal Commission which gave rise to the 1964 Police Act. It established a tripartite system which distributed powers between the Home Secretary, the chief constables and the local police authorities. Chapter 5 looks at these issues and also examines the current challenges which the British police face.

The last three chapters of the thesis turn to an examination of the police use of weapons in Taiwan (ROC) and England and Wales. Chapter 6 highlights the questionnaire results and the differences in the traditions of carrying firearms in the two countries. The advantages and disadvantages of armed and unarmed police and the trend in the UK towards more use of guns by the police are also analysed. The Chapter then compares the differences and similarities of the laws and regulations governing the use of police weaponry in the two countries and who has the right to use police weapons and in what

circumstances. Chapter 7 develops this analysis further, looking in particular at the procedures which should be followed by the police when using weapons, and examining the selection of authorised firearms officers, the standards which they must reach and the training which they receive. Chapter 8 concentrates on who takes responsibility for the use of police weapons and what happens after they have been used. The thesis concludes with a brief summary of the research findings and its limitations.

The aims of the research are fourfold: firstly, to review and analyse modern police development in Taiwan (ROC) and England and Wales, the tradition and police philosophy regarding the use of police weaponry and how police development was affected by politics, economy and society. Secondly, the research aims to examine the policy and practical operation of the use of police weaponry in both countries and to see whether they consider simultaneously the following three goals: ensuring people's rights, protecting police safety and accomplishing police duties. Thirdly, the author seeks to compare the use of police weaponry between the two countries, to analyse the differences and similarities, advantages and disadvantages of the two systems, so that both systems can learn from one another regarding the use of police weaponry. Finally, the author offers recommendations relating to the use of police weapons in both countries.

CHAPTER 1

Methodology

1.1 Motivation of the Research

> The Police, by the very nature of their function, are an anomaly in a free society... the specific form of their authority—to arrest, to search, to detain and to use force—is awesome in the degree to which it can be disruptive of freedom, invasive of privacy, and sudden and direct in its impact on the individual... Yet a democracy is heavily dependent upon its police... to maintain the degree of order that makes a free society possible (Goldstein 1977: 1).

> In modern democratic societies the police are vested with the authority of using legitimate and situationally justified force against the citizens. The terms of the modern social contract require that the citizens give up their use of force to punish, though not to defend themselves, from the people trying to harm them. The police are saddled with the responsibility of using force against these offenders (Sen 1987: 66).

In democracies the police are responsible for the maintenance of law and order, the protection of people and property, the prevention of crime and the detection of criminals. There are also associated functions within the judicial process and tasks such as the control of traffic. In order to enable the police to accomplish their duties, the legislature enacts laws which grant the police particular powers, for example, the powers to stop and search people; to enter and search premises and seize material, and to arrest and detain suspects. Most important of all, the police are empowered to use legitimate and situationally justified force when circumstances so require, and may be permitted to carry firearms when on duty and to use them when necessary. Alderson has noted that the police are instruments of the legal coercive power of the state to produce effects intended by the legislature (1979: 11) and they have been given power over their fellow citizens to maintain order, including the enforcement of laws. Moreover, the police are the long arm of the law, which reaches out to activate the anti-criminal processes, which should result in justice being done (Alderson 1984: 77).

Klockars (1985: 12) defined the police as 'institutions or individuals given the general right to use coercive force by the state within the state's domestic territory'. On the other hand, in order to prevent the police from abusing their powers and infringing people's rights, parliaments are likely to

pass laws designed to control the police when they execute their powers. The use of police weaponry, especially firearms, creates the most serious problems with regard to people's rights. If firearms are used, it is possible the result will be the injury or death of members of the public.

The criminal use of firearms has risen rapidly during the recent past in most if not all countries. It results in an increasing number of police officers being murdered or injured, the increasing use of firearms by police officers[1], and an increasing number of the public (including the criminal and the innocent) killed or injured intentionally or accidentally by police officers[2]. Lester (1984: 170) noted that the increasing use of firearms by police officers would inevitably lead to the injury, occasionally lethal, of offenders and innocent bystanders. This also results in arguments about whether police officers use excessive force, why innocent people are killed and the legitimacy of the use of firearms by the police. Alderson has indicated:

> It is important to accept that the more that police have to confront armed people the more they have to resort to arms themselves. To expect other than this is not to be realistic. On the other hand, police should take great care not to get too far ahead of the game. It must be expected that armed police will generate some armed criminal response and that police might become less scrupulous in their use of firearms, thus increasing the possibility of accidental shooting (1979: 72).

By using police weaponry, in accordance with the due processes of the law, the police can potentially protect the law-abiding and combat the violent criminal. However, improper use or abuse of police weaponry may lead to undesirable consequences. These include injuring the innocent (passers-by or suspects), and injuring themselves or their colleagues. This strains the public-police relationship, resulting in legal disputes and administrative penalties for both police weapon users and their senior officers, resulting in police weaponry users suffering personal problems, such as mental stress and psychological damage and affecting police morale regarding the use of police weaponry.

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[1] For example, in Hertfordshire police, firearms being issued to police officers to deal with armed incidents have been increasing annually. There were 50 cases in 1990, 76 cases in 1991, and 100 cases in 1992 (data offered by Hertfordshire police).

[2] For example, in England and Wales, according to the Home Office statistics (see table 8.1 and 8.2), there were 30 of operations in which shots were fired by police officers between 1983 and 1989. These resulted in 8 fatalities and 22 injuries to civilians. The average was about 1.14 fatalities and 3.14 injuries per year. But there were at least 2 civilians fatalities in 1990 (one was Michael Alexander, another one was a robber), 3 civilians fatalities in 1991 (they were Ian Gordon, Derek Wallbanks, and Keith Carratt) and 4 civilians fatalities in 1992 (they were Ian Bennett, Barry Clutterham, Arthur Stewart and Peter Swann) all of whom were shot dead by the police.

Furthermore, shootings involving officers are almost always controversial, and can create a crisis situation (McCarthy 1988: 33). If a post-shooting incident position is not dealt with well, it is possible for it to turn into a disturbance or a riot[3], even leading to criticisms of the human rights record of a country and adversely affecting its international image[4] . Alderson has written that:

> Where police shoot and kill innocent people even by accident, it is likely to start the erosion of public sympathy, and under conditions where sections of society are hostile it can ignite feeling and cause riot, damage, arson and attacks on police. There is a heavy price to pay where police and public cause an imbalance of violence of this kind (1979: 72).

Therefore, skilled use of deadly force or firearms can be an insurance policy for individual officers, as well as a deterrent to claims against the department they represent (Shenkman 1984: 7).

Although the police are vested with the power of using legitimate and situationally justified force, they almost always find themselves in a double bind. Most citizens want aggressive law enforcement because of an increasing fear of crime. However, they also have some apprehension about their protectors and want to limit their discretionary power, including the use of force (Stratton 1986: 171). Therefore, the power to use force, especially deadly force or firearms, is the most critical responsibility that will ever be placed on a police officer and one of the most difficult challenges facing the police force today. No other single official has the right and the immediate means to lawfully take

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[3] Some examples are: (a) In England, Ian Gordon, a mentally disturbed man (psychiatric patient), was shot when officers feared that he was about to fire on them on 12 August 1991. But actually Mr Gordon turned out to be carrying an air pistol which could not fire. His death provoked two nights of disturbances and led to four officers involved in the case receiving death threats. The marksman who shot Mr Gordon had to be moved to another police division 50 miles away because some people had wanted to 'take out' a police officer in revenge for the death of Mr Gordon. Another officer who was well known locally had to be given round the clock protection for eight weeks. (b) According to *The Times* (27 July 1991: 8): Two people have been killed and dozens injured in clashes involving blacks, whites and police in Montreal and Halifax, Canada. In Montreal, tensions peaked after police shot and killed a black whom they had mistakenly identified as a suspect in an attempted murder case. (c) In the USA, the dramatic scene of white officers raining kicks and baton blows on the unarmed motorist (Mr Rodney King) was captured on videotape by a nearby resident and broadcast worldwide in March 1991. It touched off protests and heated up racial tensions in Los Angeles. However, in May 1992, four Los Angeles policemens' acquittal of charges connected with the videotaped beating of Mr Rodney King led to riots. These riots resulted in 44 dead, 1,900 injured, and 5,200 arrested in the worst riots since the war. Police reported 3,700 buildings destroyed by fire and preliminary figures put the bill at $ 1 billion.

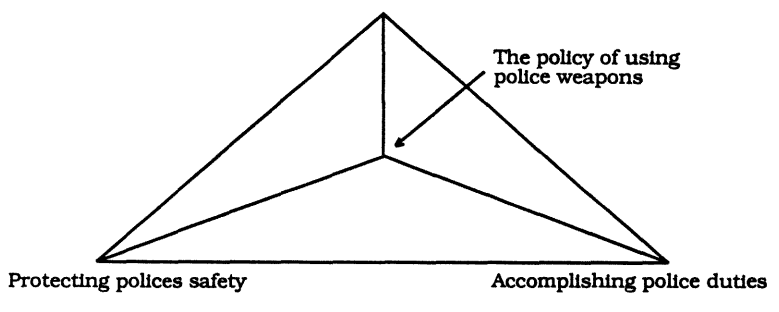
[4] According to *Statewatch* (July/August 1991): 'Britain's record on human rights was under scrutiny by the United Nations Human Rights Committee at the beginning of April. In particular, the British government's representative, Mr. Halliday, faced forceful questioning on 'shoot-to-kill' practices. The same practices are at the centre of Amnesty International's new report United Kingdom, *Human Rights Concerns*, released in the United States on 11 June'.

another's life outside of war. The consequences of a decision to use deadly force are not reversible after the fact; they are final. No court of competent jurisdiction or administrative tribunal can ever reverse this decision. However, on the other hand, a decision not to use deadly force can also mean finality. A hesitation or conscious decision on the part of the police officer could very well result in the death of the officer or another person the officer is protecting. These are decisions unlike any others required by our society (Fazo 1985: 54). Fazo (1985: 55) also noted:

> The use of deadly force by the police is one of the most controversial and complex issues our society faces, and the individual police officer is at the heart of this complexity, attempting to balance constitutional, political, legal, ethical and social forces. The competing forces include: the right of the police to protect their own lives, their duty to protect the lives of third parties, and the legislated responsibility to suppress community violence, to reduce crime and to provide for security of all people by means that are both reasonable and necessary. These police rights, duties and powers must be balanced with the constitutional right of individual liberty, the right of every citizen to be protected by the police, and the constitutional right of every citizen to be presumed innocent until proven otherwise by a jury of peers in a court of competent jurisdiction.

In a previous article the author expressed the view that when enacting the policy of the police use of weaponry, the government or the police should consider simultaneously the following three goals: ensuring people's rights, protecting police safety and accomplishing police duties (Chiang 1985d: 3). The three goals have equal importance and form a triangular relationship. Furthermore, when using police weaponry, the police should find a balance point among the three goals; the balance point can not incline to any one of the three goals (see Figure 1.1).

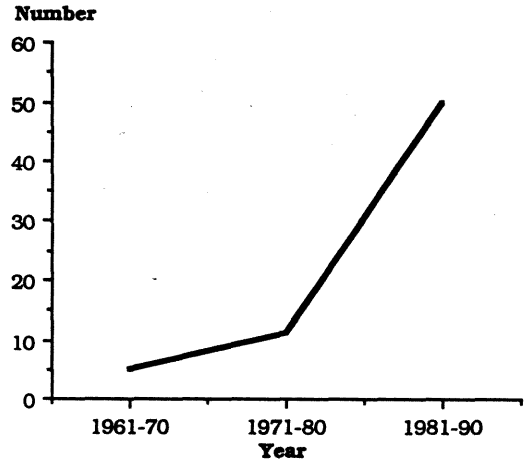
Figure 1.1 The Balance of Use of Police Weaponry



Source: Chiang 1985d: 18.

During the past four decades, the economy of Taiwan (ROC) has prospered and this has changed Taiwan (ROC) from an agricultural society to an industrial one, and has resulted in a complete and rapid change in social structure. Traditional values, ethics and moral standards have been gradually declining. As a result, crime rates have been rising affected by the growing consumerism. Moreover, the pattern of crime has been diversifying; violence and cruelty against the police has also been mounting. More and more members of criminal gangs and criminals are using firearms to resist police arrest, which has been causing police casualties. Additionally, the government implemented a series of political reformations in the latter period of the 1980s, especially the lifting of Martial Law. Due to poor control around the shoreline, there has been a growing problem of firearms smuggling. Furthermore, this has created a sharp increase in the number of police being murdered in the line of duty (see Figure 1.2) and attracted much concern from the police administration and the government.

Figure 1.2 Police officers who have been murdered in Taiwan (ROC) in each decade since 1961



Sources: Police Torch, December 1990: 35-37; Chen 1992: 35-37; obtained by reviewing the NPA data, journals and newspaper—author.

In 1829, Peel, Rowan, and Mayne imposed three major restraints on the new police: (a) they would be unarmed, except for a small truncheon concealed beneath their coats; (b) they would be uniformed; and (c) they would be confined to patrol for the prevention of crime (Klockars 1985: 44). It was furthered by Rowan and Mayne's insistence on an image of politeness and courtesy, impartiality and independence, and the minimum use of force (Benyon and

Bourn 1986: 17). The unarmed tradition and the principle of minimum use of force have been maintained up to the present day.

According to the statistics, over the years from 1961 to 1980 the average number of police officers murdered in England and Wales was one per year compared with an average of 89 over the same period in the U.S.A.. Over the same period, the rate of police officers murdered per 1,000,000 population in England and Wales was .020, and it was the lowest when compared with other countries[5] (Alderson 1984: 64-65; see Table 1.1). Moreover, Zunno and Lester recently calculated the risk of murder for a police officer in different nations of the world for 1970-1977. The rate was 22 per 100,000 per year for the U.S.A., and only 1.4 for England and Wales, 16 times lower than the United States. France had a rate of 4.5, the Federal German Republic 2.5, Italy 20.0, Sweden 2.7 and Switzerland 6.6 (Zunno and Lester 1982: 6-8; Lester 1984: 170-171):

Table 1.1 Murder rates of police officers for selected countries during the period 1961 to 1980

Country	Total	Year (to 1980)	Average	Rate per 1,000,000 population
England and Wales	20	20	1.00	.020
Japan	26	8	3.25	.029
Taiwan (ROC)	16	20	0.80	.044
Sweden	3	8	0.38	.045
Denmark	2	8	0.25	.049
W. Germany	13	3	4.33	.071
Finland	3	8	0.38	.079
Australia	9	8	1.13	.079
New Zealand	2	8	0.25	.080
Belgium	8	8	1.00	.102
France	59	8	7.38	.138
Canada	73	20	3.65	.155
India	1,361	8	170.13	.266
Italy	132	8	16.50	.291
U.S.A.	1,780	20	89.00	.408

Source: Alderson (1984: 65); revised by the author.

However, during the 1980s, the position seems to have changed somewhat. The number of police officers murdered as a result of criminal action has doubled in the 1980s in England and Wales when compared to that in the 1970s (see Figure

[5] For example, the rate of police officers murdered was .155 in Canada, nearly 8 times that of England and Wales, and the rate was .408 in the U.S.A., more than 20 times that of England and Wales.

5.6). And in the latter years of the 1980s, nearly 20,000 police officers were assaulted each year. According to Boylen and Little (1990b: 208):

> The potential consequences of assault, however, extend to the individual officer and police profession. For the individual officer, assault victimization can lower morale, threaten individual authority, lessen situational control, and lead to the infliction of serious injury or death. High rates of assault upon officers can adversely affect the police profession, as well. It can hamper the ability of agencies to recruit new officers; it can undermine police-community relations and it can threaten the professional image of practitioners.

The increasing number of police officers being murdered and assaulted has caused great concern and debate amongst the government, the public, and the police themselves. Therefore, in an increasingly firearms-involved crime society, do the unarmed police have the capacity to ensure people's rights, accomplish their duties, and protect their own safety? It is this question that this thesis shall examine.

1.2 Literature Review

The documentary sources include police force publications; official reports; government publications; academic books and publications; relevant articles in specialist and police journals; and an analysis of magazine articles and newspapers. No research regarding the comparison of the use of police weaponry in Taiwan (ROC) and England and Wales was found, although studies have been undertaken on the use of police weaponry in Taiwan (ROC) and in England and Wales. The author has divided the contents of Taiwanese research into three categories: (i) the conditions of police weaponry use; (ii) the reasons why police officers are murdered; (iii) the responsibility for the use of police weaponry and the procedure for post-shooting incidents. Several important and representative examples of Taiwanese studies will be briefly introduced as follows:

(i) The conditions for the use of police weaponry

Studies which have been located include: Liao (1980); Lee, F. S. (1980); Wang (1982a, 1982b, 1984a); Lee, K. Z. (1982); Ueng (1983); Zi (1983); Chiang (1985d); Chu (1989); Liang (1990). These pieces of research reviewed relevant literature on the conditions for the use of police weaponry in Taiwan (ROC). They indicated that if a police officer used police weaponry, a number of

conditions must be obeyed for the use of weaponry to be lawful. These conditions are, firstly that the objective situations for the use of police weaponry have occurred. All these situations are regulated in articles 3 and 4 of The Act on the Use Of Police Weaponry 1985 (see Appendix A). For example, when police lives, bodies, freedom or equipment are endangered or threatened, the police can use police weaponry to defend themselves. Secondly, the objective situations for the use of police weaponry must be continuing. If the reason for the police using weapons is about to cease or has ceased, the police should stop using them immediately. Thirdly, the necessity of the use of police weaponry must be firmly established. This can be judged by the situation such as the suspect's weapon, sex, age, race, demeanour, height, weight, mental condition, number of suspects, cover for suspect, the number of officers, police weapons, presence of bystanders, and availability of back-up. Other factors include: time, visibility, location, distance between suspect and police, cover for police, and possibility of suspect's escape if deadly force is not used. Finally, the legitimacy of the use of police weaponry must be assured. This includes: (a) there should be a reasonable relation between the use of police weaponry and the objective that the police intend to reach; (b) the police should use minimum force to reach the objective; (c) in the balancing of priorities, the principle is 'in order to protect big interests provided in the law or protected by the law, the police then can sacrifice other small interests'; (d) the use of police weaponry cannot be excessive. Therefore, the police can use weapons only in an emergency, cannot be excessive, and have to give a warning first. They also should be careful not to hurt others, and, except in urgent situations, the police should avoid hitting the fatal parts of the body.

As already mentioned, in 1985, the author put forward his own views on the need to consider the three goals of people's rights, police safety and accomplishment of police duties (Chiang 1985d). He also suggested that the scope of research on the police use of weaponry should extend to police firearms training, the responsibility of using police weaponry, and the procedures for post-shooting incidents, and not confine itself to the conditions of use of police weaponry.

(ii) The reason for police officers being murdered in Taiwan (ROC)

In his earlier studies the author used interview and questionnaire survey methods to review and analyse the reasons why police officers are murdered in Taiwan (ROC) and offered several reasons why this occurred (Chiang, 1985d). Some of the most important reasons why police officers are murdered in Taiwan

(ROC) are: (a) police equipment was too old, insufficient, and not well maintained; (b) police firearms training was not adequate; (c) the numbers of home-made and smuggled firearms were increasing; (d) social change; (e) the police-work shift system was unreasonable; (f) the police were not alert when they are on duty; (g) the police lacked knowledge regarding the laws or regulations of the use of police weaponry; (h) the limitations for the police use of weaponry were too strict.

Some of his suggestions to protect the safety of the police were (a) improve the quality of police weaponry and improve maintenance; (b) strengthen police firearms training; (c) strengthen the prohibition of illegal firearms; (d) change the police work shift system; (e) keep alert when on duty; (f) strengthen the training regarding the laws and regulations of the use of police weaponry; (g) loosen the limitations for the police to use weaponry. Similar research includes NPA (1984 and 1991); Kao (1985); Chiang (1985b; 1985e; 1986a; 1986c) and Chen (1992).

(iii) the responsibility for the use of police weaponry and the post-shooting procedures

Among the publications which have been consulted are: Liao (1980); Ueng (1983); Wang (1984a and 1984b); Chiang (1985d); Hu (1988); Liang (1988 and 1990) and Wang (1989). These pieces of research concluded that the responsibility for the use of police weaponry may be: firstly, if a police officer uses the police weaponry in accordance with law, he is not punishable. Secondly, if a police officer uses the police weaponry illegally, the possible responsibilities are as follows: (a) administrative responsibility: if a police officer uses the weaponry but does not injure or kill anyone, his or her superior can reprimand him or her or record a demerit; (b) criminal responsibility: possible criminal responsibilities include charges of homicide, actual bodily harm and similar; (c) civil responsibility: if police officers use weaponry to kill or injure civilians, they can be made to pay compensation.

Chiang (1985d) and Liang (1990) suggested that because the use of police weaponry is a specialised and professional matter, in order to protect the rights of both of civilians and police officers, the government should set up a national independent committee to investigate incidents involving police use of weaponry resulting in death or injury. The investigation results and suggestions of the committee should be the most important basis for the

procurators to decide whether to prosecute the suspect, and for the judges to decide whether the suspect is guilty. Chiang (1985d) also suggested that the police administration in Taiwan (ROC) should pay more attention to what has been termed 'post-shooting trauma'. The police administration, in addition to the provision of pensions or compensation for civilians or police officers killed or injured in a shooting incident, must also pay attention to other matters. These may include the following: how to deal with and control the incident scene; how to offer immediate support to the officers involved in the shooting; how to investigate the incident and preserve the evidence; how to deal with the press; how to help the involved officers' family; and how to offer legal, social and welfare support to the involved officers.

In England and Wales, several pieces of important and representative research, reports, or documents regarding the use of police weaponry are briefly introduced as follows:

(i) In March 1983, the Joint Standing Committee on the Police Use of Firearms of the Association of Chief Police Officers (ACPO) Council produced a *Manual of Guidance on Police Use of Firearms*. This manual was designed to serve as: (a) a statement of policy for all chief officers on the issue and use by the police of firearms; (b) a basis for instruction within forces; (c) guidance on police firearms operations; and (d) a definitive reference point for equipment accepted by the ACPO as suitable for police use. The contents of this manual include: a guide-line on police use of firearms (see Appendix B); minimum standards for authorised firearms officers, selection criteria and safety factors (see Appendix C); weapons, equipment and supporting services (see Appendix D); basic principles of tactics; armed suspects in buildings and other structures; armed suspects in the open; armed suspects in vehicles; armed police interceptions; CS irritants and use of respirators; handling suspects; protection duties; cross-force convoys; armed response vehicles; and post-incident procedures (see Appendix E).

After a series of police shooting incidents in the early 1980s, (for example, the cases of Waldorf, Shorthouse and Groce), the Home Secretary formed a working group under Home Office chairmanship to examine all aspects of the policy and procedures relating to the issue and use of firearms by the police. After a thorough review 36 recommendations (see Appendix F) and 10 conclusions (see Appendix G) were made and chief officers were asked to accept and implement these recommendations. Undoubtedly, the manual produced by

the Joint Standing Committee of the ACPO and the recommendations and conclusions made by the working group are the most important documents for regulating the use of police weaponry in England and Wales.

(ii) P.Waddington interviewed serving police officers, observed and participated in a training course for armed officers and with those engaged in riot control in the Force Firearms Unit (PT17) and Public Order Forward Planning Unit of the Metropolitan Police. He has written two books—*Arming An Unarmed Police* (1988) and *The Strong Arm Of The Law* (1991)—to introduce the policies and practices regarding the use of police weaponry in the Metropolitan Police. The contents of these two books include the introduction of the policy on the use on police weaponry; types and specifications of police weaponry; selection of authorised firearms officers; police firearms training; legal liability; post-shooting trauma, paramilitary policing; and the use of force in public-order policing. Most of the contents concentrate on the Metropolitan Police. P.Waddington noted that: (a) despite considerable and welcomed improvement in the training of AFOs, it remains the case that insufficient attention is given to adequate tactical training; (b) refresher training and re-authorisation are important issues and the current requirement to spend one day four times per year on refresher training combined with a re-authorisation test is plainly inadequate to maintain necessary standards of competence; (c) even more urgent is the need to adequately train incident commanders so that they are fully aware of what the various levels of armed officers can and cannot safely do, and what tactical options are available to them; (d) it is correct that when subordinates follow orders, those who issue them to use the police weaponry should take some responsibility. P.Waddington concluded:

> Has the correct balance been struck? Are the police armed sufficiently to cope with all but the most exceptional circumstances they are likely to face, whilst avoiding recourse to excessive force? These are questions which do not permit simple or definitive answers. The uncomfortable truth is that the use of force, especially deadly force, poses a number of dilemmas. There is a continual need to balance operational effectiveness against public acceptability in conditions which are changing and which, in turn, affect what is or is not publicly acceptable. It is, therefore, unlikely that the police will ever completely 'get it right'. Once these dilemmas are recognised informed public debate about these issues can commence.

McKenzie and Gallagher (1989) introduced the subject of comparative police use of firearms in England and Wales and the USA in Chapter 8 on 'Firearms and Police - The Right to Bear Arms?' in their book of *Behind The Uniform*. They also explored the tradition of carrying firearms, firearms use by

the police, weapons control, firearms training and rules for the issue of weapons, but the extent of their comparisons were limited.

Other publications regarding the police use of weaponry in England and Wales include Greenwood (1969, 1983, 1986); Pike (1985); Scrivner (1985); Yardley and Eliot (1986a and 1986b and 1986c); Northam (1988); Chiang (1989b, 1990g, 1990h, 1990j, 1990p, 1991g, and 1991h); Shaw (1989); Brady (1990); Mason (1990); Pead (1991); McKenzie (1992a and 1992b).

(iii) L. Noaks and S. Christopher (1990) undertook research into why police officers are assaulted. The study examined the reasons for, and the circumstances surrounding, assaults on police officers in South Wales. They interviewed both assailants and police officers involved in assault incidents during 1988 in the South Wales Constabulary force area. They analysed their findings according to the characteristics of offenders[6] and the characteristics of assaulted officers[7]. Their recommendations included the need to change the attitudes of those who view the police as an appropriate outlet for their hostility, review of the shift system, strengthening of the police training[8], changing the police uniform and provision of sufficiently protective uniforms.

(iv) G. T. Ford (1990) undertook research into the declining number of police firearms officers. He used interview and questionnaire methods to survey why volunteers to be the AFOs had fallen. He interviewed 15 potential AFO volunteers, and the questionnaires were distributed to another 80 potential AFO volunteers in Leicestershire Constabulary. He suggested:

> The complex nature of policing is most apparent in the minds of the potential AFOs, and particularly so when they are actually asked to volunteer for the AFO role. The role is generally seen as being necessary, but the willingness to volunteer is not. This presents a serious problem, if the decline of volunteers continues then the ability of the police to protect life is in jeopardy. One alternative is that more full-time armed units will be formed, an alternative that is already well underway, and the police service will as a result be seen more as a police force with a para-military capability..... A balance can be struck between a large pool of volunteers provided with the knowledge and understanding of the

[6] For example, criminal records, peer support, employment status, the use of alcohol, and attributing blame.

[7] For example, sex, rank, tenure, assault-prone officer, manner of attack, the degree of injury.

[8] Especially an emphasis on the human awareness training, effective communication skills, and tactics and strategies for defusing trouble rather than for increasing response times.

> issues affecting the police officers, and the use of small full-time firearms units completely detached from general duties. This could prevent elitism and control of reduce detachment from general policing duties for extended periods. Additionally it could improve the effectiveness of an armed response to situations that require it, as there would be extra officers available to carry out firearms duties if necessary. However, this would be difficult, if not impossible, to achieve as the situation stands at present.

(v) P. Williams (1991) examined the role of the police in Hong Kong and tried to answer the following questions: (a) do the public support an armed police force in Hong Kong?; (b) are the public concerned about the police use of firearms in Hong Kong?; (c) can an armed police force be a service style police force? This research involved the use of questionnaires among the public (the total was 100, of which 50 were British subjects resident in Hong Kong) and the police; examination of letters to the editors of local newspapers relating to the police; examination of police-oriented stories and features in local newspapers, particularly those relating to police use of deadly force; and a study of calls from the public to the Royal Hong Kong Police (RHKP). Some important findings were as follows: (a) almost all (98%) of officers considered that the RHKP should be armed; (b) 77% of the public considered that the RHKP should be armed; (c) the use of deadly force by the police is of great concern to the police themselves and of concern to the public—if the police are to have the right to use deadly force there must be safeguards including proper justification, procedural constraints and ethical controls; (d) the arming of the police and the provision of community service are two separate issues, which are not mutually exclusive. He concluded:

> If an armed force in Hong Kong can be accepted by the British public in Hong Kong, there is an indication that a more service-oriented armed force in Britain will be accepted, particularly if developments are in accord with public opinion ..... the British police should recognise that the public share their own concerns regarding control of police use of firearms, but should not assume that the police concerns regarding the damage to the police image are also shared by the public. The British police should also recognise that an armed police can, and in the case of Hong Kong does, provide a service element in its role of policing the community. An armed police force and a service style force are not mutually exclusive.

All the studies listed concentrate on discussions of the use weapons by the police in Taiwan (ROC), or in England and Wales, or elsewhere. The focus of this research, in addition to reviewing and analysing the police use of weaponry and related topics in both the countries, is on comparing the advantages and disadvantages of the different approaches in the two countries. This research study also seeks to make theoretical points as well as providing an in-depth

description, analysis, and comparison of the use of police weaponry in Taiwan (ROC) and England and Wales.

1.3 Hypotheses of the Research

As a result of the literature review, two hypotheses were derived. In democracies, the police have the responsibility to maintain law and order, to protect the safety and property of citizens they serve, to prevent crimes and to detect criminals. The police must also have the capacity to protect their own safety, so they can then potentially ensure people's rights and accomplish their duties. In order to enable the police to accomplish their duties, they are empowered to use legitimate and situationally justified force when circumstances so require. In almost all countries of the world, the police may be permitted to carry firearms permanently when on duty and to use them immediately when necessary. Mainly due to the influence of tradition, however, the British police are normally unarmed when on duty, making them very special within the democratic countries. Nevertheless as a result of increasing terrorist activities and increasing crimes involving firearms during the 1980s, the unarmed British police have suffered an increase in the number of officers murdered and assaulted. This poses the question of whether unarmed police have the capacity to protect themselves? Moreover, if they cannot protect themselves, how can they secure people's rights and accomplish their duties?

Therefore, the first hypothesis of this thesis is that in a society in which crime increasingly involves firearms, an unarmed police force will not have the capacity to accomplish their duties, to ensure people's rights and protect their own safety.

Brewer *et al* (1988) compared the police, public order and the state, in China, Great Britain, Israel, Northern Ireland, South Africa, the Irish Republic and the United States of America. They examined both the extent to which problems of policing public order are commonly experienced, and the similarity of solutions implemented. They also illustrated both the differences and similarities that exist among a diverse range of states in the realm of policing of public order. Each of the countries or areas studied have great differences in terms of: historical legacy; cultural traditions and popular perceptions surrounding the image of the state; in the extent to which state power is restricted by legal and political constraints which protect the rights of citizens;

in the legitimacy of the state; in political system or government structure and in police organisation. Brewer *et al* argue that in the public order situation, the state strategies of these countries is convergent. For example, they argue that theoretically, police in liberal states (for example, the British police) police by consent rather than by coercion. However, when dealing with instances of public disorder, they are becoming more suppressive and authoritarian in their strategies for order-maintenance, which exposes the liberal idea of the state as esoteric and fragile. Conversely, they argue that theoretically, police in authoritarian states (for example, police in South Africa and Northern Ireland) police by coercion rather than by consent when dealing with instances of public disorder. However, they argue that in practice, pure coercion does not work in the long term, and order-maintenance in these states is moving in a more legalistic direction (Brewer *et al* 1988: 235). They have noted:

> This suggests that in the area of public order policing there is an increasing approximation between authoritarian and liberal states, which is reflected in a convergence of their strategies for order-maintenance. The two sorts of state are proceeding in opposite directions from their respective poles and particular states within each type are journeying at varying speeds and have travelled different distances (Brewer *et al* 1988: 235-236).

This concept of convergence suggested by Brewer *et al* will be utilised in this thesis to examine whether the use of police weaponry both in Taiwan (ROC) and England and Wales are gradually converging. Generally, the British police are unarmed, although there have in recent years been significant changes in the regulations governing the police use of weaponry, police firearms training, and firearms practical operations. Conversely, the police in Taiwan (ROC) are armed when on duty. However, as a result of an increase in firearms smuggling during the 1980s, the number of police murdered or injured has increased sharply. This has led to an increase in the number of firearms being used by police and has resulted in more and more police shooting incidents. All of this has made the government, and the police administration, re-examine and change a number of the regulations governing the use of police weaponry, police firearms training and firearms practical operations. As well as analysing the extent to which there are commonly experienced problems concerning police use of firearms and the implementation of similar methods, this thesis will also illustrate both the differences and similarities that exist between Taiwan (ROC) and England and Wales in the realm of the use of police firearms.

The second hypothesis of this thesis is that if crime involving firearms is increasing in England and Wales, the British police will increasingly and permanently arm their officers, and the development of the use of police weaponry (for example, the principles concerning the use of police firearms and police firearms training) will gradually converge towards a permanently armed police model (for example, Taiwanese police). Conversely, due to the disadvantages of a permanently armed police, the police in Taiwan (ROC) will gradually reduce the occasions on which officers carry firearms, and the development of the use of police weaponry will gradually converge towards a unarmed police model (for example, British police).

1.4 Scope and Definition

As is clear from the foregoing, the scope of the research is the comparison of the use of police weaponry in Taiwan (ROC) and England and Wales. It does not include Scotland and Northern Ireland because they have their own criminal justice and police systems. The research mainly considers the period since 1950, largely because data in both countries are available from this date onwards. In 1949, the national government moved its seat to Taipei, Taiwan. In England and Wales the Second World War had a major impact on policing and society and subsequently there have been many important developments, particularly after the 1964 Police Act. The research will concentrate on the use of weaponry when police officers perform their normal daily duties, for example, when they execute the duties of patrol, stop and search, entry, search and seizure, arrest, and detention. Because the characteristics of the police's normal daily duties and public disorder cases are different, there are different laws or regulations to control the police use of weapons in performing their normal daily duties and dealing with public disorder cases. This research will not cover the use of weaponry regarding public disorder.

The terms 'force', 'firearms', and 'weapon' often appear in this research. The author defines these terms as follows:

(i) Force: In Swales v Cox ([1981] QB 849), Donaldson LJ defined 'force' as the application of 'any energy to any obstacle the police might meet with a view to removing it' (Pike 1985:114; Levenson and Fairweather 1992: 9). This may be turning a door handle or the opening of a door or a window (Bailey, Harris and Jones 1991:66). However, in the *Use of Force*, (Tallahassee Police Department,

United States) force is defined as that amount of 'active power, strength or energy' which is necessary to overcome a suspect's physical resistance (McKenzie and Gallagher 1989: Appendix IV). Moreover, force is divided into 'deadly force' and 'non-deadly force'. Deadly force is any use of force that is likely to cause death or serious bodily harm, best illustrated when the officer must shoot the violator or strike the suspect with an instrument in a manner that is likely to cause death or great bodily harm. Non-deadly force is any use of force other than that which is considered deadly force (*The Police Chief* February 1989:57). Examples of the latter include: (a) control and restraint (empty hand)—best illustrated when the officer applies a wrist lock, take down or pressure point technique; (b) punching or increasing struggling—these blows should be directed towards areas which are not likely to cause great bodily harm; (c) chemical agents, stun-gun—creates a low level of incapacitation with minimal chance of injury; (d) temporary incapacitation—best illustrated when the officer is forced to strike the violator with an impact weapon, for example, a night stick or flashlight when it is the weapon of necessity. These strikes should be directed toward approved striking points. Any blows to the head, neck or shoulder areas are to be avoided. Because the use of deadly force is irreversible, policy for its use is intrinsically more important than policy for use of non-deadly force. We will apply the definition of 'force' from the Tallahassee Police Department and *The Police Chief* in this research because their definitions are clearer and more practical and more suitable for police when they use police weapons than Donaldson's definition.

(ii) Firearms: Section 57 of the Firearms Act 1968 defines the term 'firearm' for the purposes of that Act as a lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged (Smith and Hogan 1988: 416-420). Therefore, in this section, the meaning of 'firearm' includes the following: (Clarke and Ellis 1981: 11) (a) it is a weapon; and (b) the weapon is lethal; and (c) the weapon is barrelled; and (d) a shot, bullet or other missile can be discharged from it. The term includes any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, and any component part of such a lethal or prohibited weapon, and any accessory to any such weapon designed or adopted to diminish the noise or flash caused by firing the weapon (English and Card 1988: 380). We will apply the above definition in this research.

(iii) Weapon: Weapon is undefined in the Firearms Act 1968. It is defined by the Oxford English Dictionary as: 'an instrument of any kind used in warfare

or in combat to attack and overcome an enemy.' The Collins Cobuild Essential English Dictionary defines a weapon as: 'an object such as a gun, a knife, or a missile, which is used to kill or hurt people in a fight or a war.' Section 57 of the Firearms Act 1968, distinguishes between 'lethal weapon' and 'non-lethal weapon'. In Read v Donovan in 1947, Lord Goddard noted that a lethal weapon means a weapon which is capable of causing injury from which death might result. It need not be designed or manufactured for the purpose of causing such injury; if it is not, it is enough that it is capable of causing such an injury if misused (English and Card 1988: 380; Smith and Hogan 1988: 418).

Because deadly force, lethal weapons and firearms are more powerful than non-deadly force or non-lethal weapons when they are being used, they are always liable to result in the consequence of death or injury. In this research, the author will focus primarily on deadly force, lethal weapons, and firearms rather than non-deadly force or non-lethal weapons.

1.5 Research Methods

A number of different research methods and approaches have been adopted in undertaking this study. These can be considered under the following headings: comparative research; observations and interviews; questionnaire design and implementation.

(i) Comparative Research

Empirical social research developed in the nineteenth century in a variety of industrialized and industrializing countries (Scheuch 1990: 19). Some of the most important writers, for example Marx drew on comparative material in support of their theories. Weber's analyses of the rise of capitalism, the place of bureaucracy in society, and the nature of authority were dependent upon international comparisons (Mawby 1990: 4). Durkheim's analysis of suicide was based on comparisons of the suicide rates of different population groups across a range of societies, and analysed the individual decisions in terms of the impact of alternative structures and cultures (Mawby 1990: 4). These theorists, working at the end of the nineteenth and the beginning of the twentieth century, analysed the evidence from historians and other sources regarding what was happening to the rapidly changing European societies of that time. In using such resources, they relied largely on what has come to be

known as the 'comparative method'. This is a common, everyday method of explaining things (McNeill 1990: 2).

Due to the growing internationalization of issues and the globalization of problems (Øyen 1990: 1), cross-national research has continued to increase in importance. In the 1930s, commercial institutes for market and opinion research undertook cross-national comparisons in the United States and Europe (Scheuch 1990: 20-21). In the 1950s, various social science organisations started to be formed around the world which opened up possibilities of large international surveys and laid the foundation for the national and international data archives as we see them today (Øyen 1990: 2). The cross-national comparative interests of these organisations are very broad, including politics, economics, society, and culture.

Before the 1950s, very few works regarding cross-national comparative policing were carried out. In 1915, though Fosdick did write a text which compared the policing in Britain with that in continental Europe (Fosdick 1972). In 1952 Sir Jeffries wrote a text which assessed the emergence of a distinctive police system in British colonies in which law and order was maintained by an occupying power over the majority indigenous population (Mawby 1990: 6-7). In recent decades, cross-national comparative methods have been increasingly applied by academics to research in the field of police studies. For example, Bowden (1978) compared the police in crisis politics in Britain, China, France, Ireland, and USA. Brewer *et al* (1988) compared the police, public order and the state in China, Great Britain, Israel, Northern Ireland, South Africa, the Irish Republic, and the USA, especially concentrating on the comparison of the policing of public order. McKenzie and Gallagher (1989) provided a more practice-oriented comparison of policing in England and Wales and the USA. Mawby (1990) used the British and American experience in a cross-national analysis of policing systems among Canada, China, Cuba, France, Hong Kong, Japan, the Netherlands, and USSR, especially concentrating on the comparison of the community involvement in policing.

Due to the rapid development of new technology, especially computers, new techniques and methodologies were developed for handling the enormous masses of data, generated when cross-national comparative research methods are broadly applied. The aim of cross-national research is to reduce unexplained variance and find patterns and relationships, but the variance-reducing schemes presented in the studies do not often yield the relationships

which are suitable as a foundation for building theoretical explanations and whatever we do in the way of cross-national comparisons must be theoretically justified (Øyen 1990: 2-3), so the main problem for cross-national methods is one of design and of theory. Why does one need to be comparative? What do different settings stand for? It is not a problem of techniques but a problem of theoretical poverty (Øyen 1990: 3; Scheuch 1990: 27). Øyen (1990: 1) has noted:

> There is no reason to believe there exists an easy and straight forward entry into comparative social research. All the eternal and unsolved problems inherent in sociological research are unfolded when engaging in cross-national studies. None of the methodological and theoretical difficulties we have learned to live with can be ignored when we examine critically such questions as what is comparative research, how we go about doing comparative work, and how we interpret similarities and differences in countries compared. The problems are more likely to be exacerbated when another analytical level, filled with unknown variables, is added to our investigations. Yet, more cross-national studies than ever before are being carried out, and the need as well as demand for comparisons across countries is formidable.

Due to the substantial methodological criticisms, a new approach to comparative social research was initiated in the late 1950s and early 1960s (Lane 1990: 199). Several conferences were organised and lots of publications appeared on the subject of comparative research. Most of these tried to shape the development of comparative research and its methodology (Scheuch 1990: 24). In 1990, Sztompka (1990: 55) presented a model indicating different modes of comparative research (see Figure 1.3). In this model, Sztompka indicated that the propositions may be analysed in terms of the following three distinct dimensions:

> First is the scope of applicability: the delimitation of an area or a system (by historical, geographical criteria) within which a proposition is found to hold. This dimension ranges from maximum inclusiveness (e.g. on Earth) to extreme exclusiveness (e.g. only in Burkina Faso). Second is the scope of objects: the delimitation of a class or a category of entities (by typological criteria) to which the proposition refers. The dimension ranges from the widest universality (e.g. human beings) to the narrowest specificity (e.g. workers in the cotton industry). Finally, the third dimension is the scope of predicates: the delimitation of properties and traits attributed by a proposition to certain objects. This covers the scale from the greatest generality (e.g. reward) to full concreteness (e.g. wage) (Sztompka 1990: 55).

Figure 1.3 Modes of comparative research

		The focus of comparative research		
		Scope of applicability	Scope of objects	Scope of predicates
The directions of comparative research	Seeking uniformities	Encompassing comparisons	Universalizing comparisons	Generalizing comparisons
	Seeking uniqueness	Individualizing comparisons	Specifying comparisons	Particularizing comparisons

Source: Sztompka, 1990: 55.

Sztompka noted that the focus of comparative inquiry may vary accordingly and the directions of those attempted modifications may differ too. In short, the attempt is to seek commonalities and uniformities among variety. But the direction of comparative inquiry may be quite the opposite: intensive rather than extensive. In short, the attempt is to seek divergences and uniqueness among uniformity. Also in combining and cross-tabulating two criteria - the focus and the direction of research - we arrive at the six-fold typology of comparisons, and corresponding modes of comparative inquiry: (a) encompassing, (b) universalising, (c) generalising, (d) individualising, (e) specifying, (f) particularising (Sztompka 1990: 54). He also indicated that the rationale of traditional comparative methods was to seek uniformities in the sea of differences; to show that certain regulations hold in other societies as well, or that they hold for other categories of people, or that they extend to other social characteristics. However, the globalisation of the social world has brought about the complete reversal of the cognitive situation. What really becomes baffling and problematic is the preservation of enclaves of uniqueness amid growing homogeneity and uniformity. In sum, the emphasis shifts to the alternative types of comparative inquiry: seeking uniqueness among uniformities, rather than uniformity among variety (Sztompka 1990: 54-55).

In this research, Sztompka's model will be applied to compare the use of police weaponry in Taiwan (ROC) and England and Wales. The research attempts to find commonalities and uniformities among variety. The scope of objects is the use of police weaponry. It will concentrate on the use of police weaponry during normal and daily duties, not public disorder cases. Moreover,

the comparison will concentrate on lethal weapons or firearms. The scope of issues will include: the tradition of being armed or unarmed; the advantages and disadvantages of being armed and unarmed; laws and regulations for the use of police weaponry; those who have the power to use police weapons; types and specifications of police weapons; occasions for use of police truncheons; occasions for using police firearms; the procedures before, in and after usage of police weapons; police firearms training; the responsibility of using police weapons; investigation procedure of the police shooting incidents; post-shooting incident procedures.

Briefly, the research will compare the use of police weaponry between the two countries, analysing their differences and similarities, advantages and disadvantages, and will present several real cases to support the author's proposals to improve both systems. It will also offer some ideas for the police administration in the two countries when they enact the policy regarding the use of police weaponry.

(ii) Observations and Interviews

With the assistance of his supervisor, lecturers and staff at the CSPO in the University of Leicester and UK police officers, the author has endeavoured to collect first-hand data in order to understand the police administration and the social conditions of the U.K. as much as possible. As well as obtaining data from the police and relevant government departments, the author has visited and observed a number of police forces and has discussed the use of police weaponry and police administration with many police officers. The author has participated in several police conferences and has even joined in the firearms and public order training at several British forces. This research, has, thereby involved both direct observation methods (Lo 1991: 4), and also participant observation methods (McNeill 1990: 4, 68, 122). Sometimes, the researcher was an observer-as-participant[9], and at other times a participant-as-observer[10] (Yang *et al* 1982: 139; McNeill 1990: 81-82).

[9] An observer-as-participant, a less common mode, usually involves a brief visit with limited participation.

[10] A participant-as-observer is where the researcher is actively involved in the group, but the group knows the researcher is not really one of them.

The use of weapons by the police is not an isolated topic. It has a variable relationship with other policing topics, for example, police development; police organisation; police tradition; police management; police power; police shift systems; police practical operations. During and after observation, discussion, and training, the author achieved a general understanding regarding policing and a practical knowledge of police operation in England and Wales. Due to the assistance and cooperation received from the police[11] and detailed briefings[12], the author has a more significant and deeper understanding of the use of police weapons in England and Wales and, as a result, has been able to analyse and compare the police use of weapons in Taiwan.

Among the visits undertaken as part of this research are those to Leicestershire Constabulary, the Metropolitan Police, 'Riot City' at Hounslow, the Police Staff College, Kent County Constabulary, West Midlands Police, the Regional Public Order Training Centre in Kent County Constabulary, Heathrow Airport Police, Dover Harbour Police, Surrey Police, the Police Federation of England and Wales, Bedfordshire Police and Humberside Police. Several police forces have been visited more than once. In preparation for each visit, a list of topics to be observed was completed. Headings on this list included: (a) the use of police weaponry; (b) the police organisation; (c) police powers; (d) the operation of policing; (e) the maintenance of public order; (f) training; (g) management; (h) accountability. Over a hundred serving police officers have been interviewed, many of them authorised firearms officers (AFOs), and their rank has varied from chief constable to police constable. The interviews were generally semi-structured (Yang *et al* 1982: 556-561; McNeill 1990: 122; Lo 1991: 162). Their length varied from half an hour to more than two hours.

During each visit, interview, observation, discussion, conference and seminar, the author took brief notes and photographs as evidence. The author reviewed, compared, and analysed the use of police weaponry and the police administration in the two countries. As a result of the research visits and interviews a number of articles were written and published. The contents of these articles have included the use of police weaponry; development of policing;

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[11] For example, permitting the author to observe practical police operations and real cases regarding the use of police weaponry; to join in public order and firearms training; to cooperate in the author's interviews and discussions.

[12] For example, explaining the process of the police firearms training, the regulations for the use of police weapons, the responsibility for the use of police weapons, and the investigation of police shooting incidents.

recruitment; police firearms and public order training; police powers; police organisation; and operational dimensions of policing. Several suggestions concerning change on the basis of observed practices in the British police have been adopted by the NPA in Taiwan (ROC), for example, the police work shift system and the public order training.

(iii) Questionnaire

(a) The design of the questionnaire

In order to collect first-hand data on laws and regulations, the practical operation and the police opinion of the use of police weapons in England and Wales, and to strengthen the data gained from the observations and interviews, the author designed and implemented a postal survey. The questionnaire was drafted at an early stage and discussed with academic staff in the CSPO and with police officers during visits. As a result, the questionnaire was revised several times and was eventually agreed in November 1992 (see Appendix H).

(b) The aims and content of the questionnaire

The questionnaire included a number of open-ended questions (Yang *et al* 1982: 409) to increase the richness of the data. It consisted of twenty-eight questions, several of which contained sub-questions. The main aims of the questionnaire were: firstly, to discover recent data relating to the use of police weapons; secondly, to seek police attitudes or opinions regarding the use of police weapons; thirdly, to identify variations between different police forces.

In summary, the contents of the questionnaire are: (a) questions 1, 2, and 27 seek fundamental data from the respondent; (b) questions 3 and 4 ask about the number of AFOs; (c) questions 5 and 14 seek data on firearms training; (d) questions 6, 7, and 25 ask about the types of police weapons; (e) questions 8 and 26 solicit opinions on whether the police should be armed or unarmed; (f) questions 9, 10, 11, 12, 13, 15 ask about the laws, regulations and procedures for the use of weapons; (g) questions 16 and 20 seek data on the responsibilities for the use of police weapons; (h) question 17 asks the average number of armed police officers on operational duties at any one time in the respondent's force; (i) question 18 seeks data on armed response vehicles; (j) questions 19, 21, and 23 seek information and opinions on the murder of police officers, crimes involving firearms and firearms control; (k) questions 22 and 24 ask about how

to deter criminals from carrying guns and reduce assaults on police officers; (l) question 28 invites for the respondent freely to express their further comments or information.

(c) The delivery of the questionnaire

The questionnaire, with an accompanying letter from the author, was delivered between 27-30 November 1992 and the deadline for replies was 31 January 1993. Nearly half of the questions concentrated on the policies, laws and regulations governing the use of police weapons in England and Wales, and how these are implemented. Most of these policies, laws, or regulations are decided by high ranking police officers and some of the documents are confidential. Therefore, the majority of the questionnaires were sent to high ranking officers in the forty-three police forces. Questionnaires were also sent to Police Federation offices in each force and to the Police Federation Headquarters in Surrey. In total, some 750 questionnaires were posted, although it was only expected that a maximum of one reply would be received from each force.

The questionnaire was not implemented in Taiwan (ROC). Practical considerations of time and finance, meant that it was difficult to undertake this form of research in Taiwan (ROC), but in addition the researcher has good knowledge and data already about Taiwan (ROC). The author has been chief of a police station, captain of CID, and captain of Special Response Firearms Team, in the Taiwanese police force between 1980 and 1989, and has experienced gun-fighting with gangsters on the streets several times. The author has always paid much attention to the police use of firearms in the country and as already mentioned several of his articles regarding the use of police weaponry have been published. In 1985, the author used a questionnaire in Taiwan (ROC) to gather data and the questionnaire was similar to that used in the current study. As a result of his experience and previous researches, the author has good data on Taiwan (ROC) with which to compare the data gathered in England and Wales. In addition, he regularly receives papers, documents and journals from Taiwan (ROC) which give information on the latest developments and in September 1990, as part of his studies, the author visited police establishments and archives in Taiwan (ROC) to gather recent data on different aspects of the police use of weapons.

(d) The response to the questionnaire

After the questionnaires were delivered, the author received a number of telephone calls and letters which made various points. These can be summarised under three headings: (a) The use of weapons by police officers is a politically sensitive issue in England and Wales and after taking advice some middle-ranking officers were told by senior officers not to respond directly to the questionnaire[13]. Some police officers regretted that they were not at liberty to give information concerning the numbers of AFOs, the firearms available and their deployment[14]. One police division even asked the author to send a copy of his passport and student certificate to prove the author's status, and they would then consider whether to respond it or not[15]. (b) Several forces wrote to tell the author that the contents of the questionnaire were matters which should be dealt with by the ACPO Joint Standing Committee on Police Use of Firearms. They informed the researcher that they had sent the questionnaire to that Committee for them to decide whether or how to respond[16]. (c) Some respondents contacted the author that the questionnaire would be handled centrally by one department or one police officer in their forces[17].

For these reasons the overall response rate to the postal questionnaire was disappointing. However, replies were received from 16 different police forces, representing 37% of the total of 43 police forces in England and Wales. The results of the questionnaire are outlined in the next section.

1.6 Summary

This chapter has focussed upon the motivations, hypotheses, scope and definition of the study, and has mounted a discussion on the research methods employed. In order to achieve their mission, the police are empowered to use force, even firearms when necessary. However, the greatest difficultly for police

[13] Telephone calls from the Metropolitan Police dated 6 December and Kent Police dated 7 December 1992.

[14] Letters from Derbyshire Constabulary and West Mercia Police.

[15] Telephone call from a Metropolitan Police division dated 8 December 1992.

[16] Letters from Leicestershire Constabulary dated 15 December, West Mercia Police dated 17 December, and Gwent Constabulary dated 18 December 1992.

[17] For example, telephone call from Metropolitan Police division dated 10 December 1992.

officers when they use firearms is how to ensure people's rights, protect their own safety and accomplish their duties simultaneously, and how to find a balance between the above three goals. The model of the balance of use of police weaponry suggested by the author (1985) has offered a clear direction on this argument, and this model will be applied to examine whether in a society in which crime increasingly involves firearms, an unarmed police have the capability to ensure people's rights, protecting their own safety, and accomplishing police duties simultaneously.

Both the historical, political, cultural and social background of the police organisation, and its tradition to carry firearms, police firearms training, and rules or regulations governing the use of police weaponry differ between Taiwan (ROC) and England and Wales. Despite this, they both experience common problems associated with use of weaponry, and in some instances the use of weaponry may be gradually converging. The concept of convergence presented by Brewer *et al* (1988) is utilised to analyse whether the use of police weaponry between these two countries are gradually converging.

Essentially, this thesis is a comparative study. A model illustrating various modes of comparative research presented by Sztompka (1990) is applied to compare the use of police weaponry in Taiwan (ROC) and England and Wales. In order to obtain the first data, observational, interview and questionnaire research methods have been adopted and employed. As a result of assistance from police forces and officers in the UK, both the observations made, and the interviews conducted have run smoothly. The research has served to extend the author's knowledge of the traditional use of firearms, the practical operation of these weapons and their deployment procedures. Knowledge has also been gained on the philosophy of the use of weaponry, and concerning the types and specifications of police weapons, the selection of authorised firearms officers and police firearms training in the British police. The use of firearms is a politically sensitive issue in England and Wales, and the response rate to the questionnaire was somewhat disappointing. Despite this fact, a lot of first-hand data, opinions and evidence concerning the use of police weaponry has been collected, which serves to confirm the hypotheses of this research. The questionnaire results are presented in Chapter 6.

CHAPTER 2

Police Development in Taiwan (ROC) Before 1980

When studying the police use of firearms, it is important to have a detailed knowledge of the historical development of the police as this may increase understanding of how the use of weapons has evolved. Generally speaking, the development of the police reflects the development of the politics, economy, society, and culture of the country.

2.1 The Development of Policing Before and During the Ch'ing Dynasty (1644-1911)

Each dynasty since the Chou Dynasty (1122-771 BC) set up different departments in central and local government to manage the country, which bear some similarity to that of the police today. In the analysis of the development of the 'modern police' or 'new police' in China, however it is necessary to include the end of the Ch'ing Dynasty (Wang 1984: 2; Mei 1988a: 55-60). Toward the end of this period (1830-1911), there was political corruption which gradually weakened the country. The Ch'ing Dynasty was defeated in nearly every war against foreign powers after the Opium War of 1839-42 with Britain, consequently, not only signing a great many unequal treaties[1] and losing much territory, but also leasing many ports and cities to foreign powers. In 1862, the governments of Britain, France, and the United States leased Shanghai City and set up the police bureau there. This was the first 'modern police force' in China (Wang 1984: 19).

The series of defeats of China by the foreign powers, which were further affected by the success of the Meiji Reformation (after 1867) in Japan, stimulated many Chinese into thinking about how the Ch'ing Government could save China. Suggestions included learning western skills and technology and establishing a more modern police force. In response, the Ch'ing Government did make some reforms concerning the police, some of the most important of these being the following: (a) In 1901, the governor of every province was ordered

[1] For example, between 1839-42, after the war against Britain, the Ch'ing Government signed the Treaty of Nanking. Similar treaties were signed after the wars against France and Britain in 1858 (the Treaty of Peking), against Japan (the Treaty of Shimonoseki) in 1894, and against eight foreign powers (the Treaty of Peking) in 1900.

to recruit new police to replace the civil soldiers and the first police school in Peking (Capital of China) was founded and the Japanese were invited to recruit the Chinese police. Furthermore, twenty-seven students were sent to Japan to study policing. (b) In 1902, the police headquarters in Peking was founded and Yuan Shih-kai, governor-general of Chihli, examined western countries' police codes, set up police headquarters and a police school in Chihli, and ordered that all civil soldiers must receive police training. Another ten students were sent to Japan to study policing. (c) In 1905, the Ministry of Police, the highest police administration in the country, was set up within the central government and controlled directly by the Emperor. (d) In 1907, the director-general of police, the highest police officer rank, was established in every province, and the 'Law for the Punishment of Police Offences' was enacted. (e) In 1908, in preparation for implementing the Constitution, the city and county governments were ordered to set up the new police within eight years. Police affairs were one of the most important areas in central and local government. Between 1909 and 1911 police stations and police schools spread rapidly all over the country, especially in the big cities (Chen 1984: 80-87; Wang 1984: 2-30).

2.2 Analysis of Police Developments Before and During the Ch'ing Dynasty

The new police were first introduced to Shanghai City by the British, French, and Americans in 1862. As a result of this, law enforcement was much improved and this was appreciated by the Ch'ing Government and the Chinese people. Furthermore, after a series of defeats by the foreign powers, and affected by the example of Meiji Reformation in Japan, many Chinese saw the importance of setting up a new police force, and the Ch'ing Government accepted their suggestions and started to emphasise the importance of this new police force. The police gradually expanded, from the central level down to province, city, and local levels.

Implementing the Constitution was considered imperative and setting up the police force was viewed as one of the most important issues of the time. Police stations and police training schools spread rapidly throughout the country between 1901 and 1911, especially in the municipal cities and capital cities of every province. Although many places developed very slowly because of their remote location, or lack of money, or inefficiency (Wang 1984: 34-51), generally speaking, the new police force already had a very good foundation from which to develop in the future.

Although the British, French, other European countries and the United States' police systems were studied to develop the new police force in China it was, perhaps because of proximity, more greatly influenced by the Japanese. This can be seen from China having (Wang 1984: 146-147; Chen 1984: 80-104): (a) accepted the Japanese suggestions to set up the new police in China, and invited the Japanese to recruit the Chinese police; (b) used the Japanese police teaching material and referenced the Japanese Police Code to enact the Chinese Police Code; (c) sent students to Japan to study policing, who, when they finished their studies and came back to China, were always the leaders of the police in central and local government, and were important lecturers in the police school as well.

2.3 The Birth and Early Years of the Republic of China

After decades of bitter experience and frustrations brought about largely by the weakness and corruption of the Ch'ing Government, a great many disillusioned Chinese people began to take a keen interest in the Revolutionary Movement of Dr. Sun Yat-Sen (1866-1925) in the latter part of the 19th century. Dr. Sun's followers sparked the revolution at Wuchang in Hupeh Province on 10 October 1911. Immediately, the whole nation rallied around the revolutionaries and the Ch'ing Government was overthrown. The Republic of China (ROC), Asia's first Republic, was formally established on 1 January 1912. On 12 February 1912, the Emperor Henry Pu Yi abdicated, ending the Manchu rule in China which had lasted 268 years (Shaw 1989a: 72-74).

Although Asia's first republic had been established, the revolution of 1911 was not a complete success. China was still plagued by a series of power struggles. Externally, China was confronted by strong foreign powers and bound by the terms of unequal treaties. At home, the country was still not unified, and was controlled by regional military forces under the command of strong warlords. China faced a series of troubles.

During the period 1912-1915 Yuan[2] was planning to restore the imperial system with himself on the throne. He eventually proclaimed himself Emperor on 12 December 1915. He did this despite the "advice" of foreign governments. With more and more provinces and districts declaring independence and public opinion running strongly against him inside China, he became gravely ill. He

[2] Yuan was former Governor-General of Chihli during the Ch'ing Government.

died on 6 July 1916, at the age of 57, and the republican form of government was restored (Hu 1991: 58-60).

During the first two decades of the Republic, China was split by rival military regimes to the extent that no authority was able to control all of the separate factions in order to create a unified and centralized political structure. Each different military war-lord controlled different provinces or districts. Each separate power group had to possess a territorial base from which to tax and recruit, and to produce their own supply of firearms. The richer the territorial base, the greater the potential power of the controlling faction. The pursuit of more power resulted in a series of wars between the war-lords in 1920, 1922 and 1924 (Hu 1991: 60-61).

Chiang Kai-shek was appointed Commander of the National Revolutionary Army (NRA) on 5 June 1926, with the aim of unifying China. On 22 March 1927, the NRA conquered Shanghai, and two days later, Nanking. By the end of 1928, the NRA occupied major provinces and cities in eastern and northern China, and on 29 December 1928, China was, for the moment at least, temporarily unified (Shaw 1990: 63-64).

China's last major misfortune came in the form of Japanese aggression, caused by Japan's envy of China's vast expanse of territory. As early as 1874, it sent troops to Taiwan. Worried over China's growing strength, Japanese military forces engineered the 'Mukden Incident' of 18 September 1931 and forcibly occupied Manchuria, the area being full of natural resources. Further acts of Japanese aggression followed, resulting in the 'Marco Polo Bridge (Lukouchiao) Incident' of 7 July 1937, and the outbreak of an all-out war between China and Japan (Hu 1991: 555). For eight exhausting years a freshly-unified but fragile China was fighting a strong militarist Japan.

Under the leadership of Chiang Kai-Shek, and with the military and financial support of the United States, however, China overcame Japan. Chinese forces were victorious not only within China itself, but also in Southeast Asia, where the Chinese Expeditionary Force defeated the Japanese and saved the British First Burma Division on 19 April 1942. After the bombardment of Pearl Harbour, Japan shifted its attention to the Pacific. In 1945, China and her allies finally won the Second World War (1939-45) (Shaw 1990: 65-68; Hu 1991: 61-64).

In 1921, the Russians helped to build the Chinese Communist Party in China, and in 1927 they incited the Chinese Communists to revolt in Nanking, Canton, Ch'angsha, and other areas. In 1939, the Russians, by way of the Chinese Communists, weakened the National Government's efforts to resist Japan. At the Yalta Conference of 12 February 1945, an agreement was reached under which the USSR gained special concessions in Manchuria and Mongolia. The Russians aided the Chinese Communists with the capture of most of the 600,000-strong Japanese Kwangtung Army. Meanwhile, the Russians dismantled most of China's industrial equipment, and shipped it to the Soviet Union (Shaw 1991: 34). Furthermore, inflation continued unabated, caused principally by government financing of military and other operations, particularly for maintaining large garrison forces. In 1948, whilst the National Government was contending with these and other serious economic problems, the Chinese Communists launched an all-out rebellion (Hu 1991: 64-65). On 7 December 1949, the National Government of the ROC moved to Taiwan. From then on, China was divided and governed by two systems very different from each other (Chang 1987: 52).

2.4 Police Development During 1912—1949

In the early years of the Republic of China, Yuan Shih-kai tried to restore the imperial system. The effect of this was political instability. Also, the clash of self-interest between the various war-lords resulted in constant civil war. The nation hardly knew a day of peace. Furthermore, the leaders of the country during that time did not emphasise the importance of the modern police. They had little concept of the role of the new police, and just saw them as a tool to rule the country and control the people. This problem was worsened by a lack of money available for the police, resulting in stagnation of their development. Generally speaking, this was the dark age of the development of the modern police (Wang 1984: 131-143; Chang 1989: 125).

There were, however, a number of important police developments during this period (Wang 1984: 131-140; Chen 1984: 71-147). (a) a Ministry of the Interior was set up in 1912. Under the Ministry, the Police Department was set up, taking charge of the whole country's police affairs. (b) a national police conference was held by the Ministry of Interior in 1917 which discussed police affairs including police training, appointments, budget, organisation, uniform, equipment and management. After this conference, the Ministry enacted a code

concerning police recruitment, and ordered its enforcement in every province. (c) in 1918, every province was ordered to set up a police administration to take charge of police affairs in the whole province. (d) Laio-Nin Province set up the first police college in 1926. (e) Nanking City was named as the Capital of the ROC in 1927, and Nanking Police Bureau was established.

Under the leadership of Chiang Kai-shek, the movement of the Northern Expedition gained a great victory on 29 December 1928. China was thus temporarily unified. Chiang emphasised the construction of the new police, saying "Set up the new police before constructing the nation" and "Secure inside before repelling outside" (Chang 1989: 128). Thus the modern police were revived during this period.

This was also a period when police training gradually improved. Between 1928 and 1935, many provinces had set up police schools as well as police colleges. In order to unify the senior police education and emphasize the importance placed on police education, the Central Police College (CPC) was set up in 1936. Chiang Kai-shek was not only the leader of the country, but also became the first President of the College and maintained this position until 1947. During his eleven years of presidency, he often visited the College, and took part in every year's graduation ceremony where he gave a speech to all the staff and students about the new police concept and spirit. At these ceremonies he recruited a great number of high ranking police officers and greatly influenced the development of the police. Furthermore, during 1944—1946, 24 students were sent to the United States to study policing (CPC 1986: 1-8).

This was also the time when the basic form of police system in the ROC was established. During the period, many codes were enacted concerning police education, organisation, budget, pay, allowances, uniform, appointments, and equipment. The police administration in every province began to enforce the law according to the new code (Chu 1982: 17-20; Wang 1984: 248-252).

The Constitution of the ROC was adopted by the National Assembly on 25 December 1946, promulgated by the national government on 1 January 1947, and was effective from 25 December 1947. Articles 108(17), 109(10), and 110(9) of the Constitution set out the policing duties among the central, province, and hsien governments (Kang 1971: 3-28).

Article 108 states: '...the central government shall have the power of legislation and administration concerning the "police system", but the central government may delegate this power of administration to the provincial and hsien governments....'. Article 109 stipulates: '...the provinces shall have the power of legislation and administration concerning "provincial police administration", but the provinces may delegate this power of administration to the hsien....'. Article 110 states: '....the hsien shall have the power of legislation and administration concerning "administration of hsien police and defence".....'. Furthermore, article 111 states: 'any matter not enumerated in Articles 108, 109, and 110 shall fall within the jurisdiction of the central government if it is national in nature; of the province, if it is provincial in nature; and of the hsien, if it is hsien in nature. In case of dispute, it shall be settled by the Legislative Yuan.' Unfortunately, the Communist uprising caused the National Government of the ROC to move to Taiwan on 7 December 1949, so the Constitution could only be implemented there.

Taiwan had been made a province of China in 1886, when it had a population of 2,545,731. In 1894, Sino-Japanese disputes over Korea resulted in a war between the two countries. After her defeat by Japan in 1895, China signed the Treaty of Shimonoseki by which she ceded Taiwan and the Penghu Islands (Pescadores) to Japan and recognized the independence of Korea (Mao 1991: 14-15). The first step towards the return of Taiwan to China was taken by President Chiang Kai-shek in Cairo with U.S. President Franklin D. Roosevelt and British Prime Minister Winston Churchill. The three leaders declared in November 1943 that after the end of the Second World War Japan should return the three north eastern provinces (Manchuria), Taiwan, and the Penghu Islands to China. The Potsdam Declaration of July 1945 declared that "the terms of the Cairo Declaration shall be carried out." (Hu 1991: 63-64). This was accepted by the surrendering Japanese Government on 3 September 1945, in talks between Japan and the Allied Powers, including the ROC (Shaw 1990: 154).

Thus, Taiwan was restored to the ROC on 25 October 1945, after half a century of Japanese occupation, and has since been administered as one of the provinces of the Republic. After Taiwan and the Penghu Islands were restored as a part of China, the Government appointed Fu F. S. as the Director-General of the Taiwan Provincial Police Administration (TPPA). His task was to lead about 2,000 police officers in the transfer of policing in Taiwan and the Penghu Islands. In order to recruit police, the Taiwan Provincial Police Academy and the Taiwan Senior Police Officers Training Class (TSPOTC) were set up.

Generally speaking, the police system was inherited mainly from the Japanese police system developed when Japan occupied Taiwan and the Penghu Islands during that time (Chen 1984: 101; Wang 1984: 255; Wu 1987a: 119).

2.5 Taiwan (ROC) After 1949

The fall of the Chinese mainland into Communist hands was a tragedy for the ROC government which moved to Taipei, Taiwan in December 1949. In all, close to two million people left the mainland for Taiwan during this period. Chiang Kai-shek resumed the presidency on 1 March 1950 and under his leadership the government began focussing its attention on reforming the economy, providing for the people's welfare, and expanding education in an attempt to modernize Taiwan (Mao 1991: 18). The effects of this change in focus are discussed below:

(i) National Security

A great number of Taiwan's achievements were attained under constant threat from Communist China. Over the past four decades, the Chinese Communists, whilst changing their tactics from time to time, never abandoned their ambition to take Taiwan under their control. In the winter of 1948, the north eastern part of the mainland fell under Communist control. Communist troops continued marching southward and gained direct access to the southern part of the country by defeating the Nationalists around the Hsuchow and Pangpu. In April 1949, the Communist forces crossed the Yellow and Yangtze rivers. Peking and Shanghai fell into Communist hands, followed by Chekiang and Fukien Provinces (Shaw 1989a: 99).

The Communist forces then crossed the sea from the Amoy area to seize Kinmen (Quemoy), and then aimed at Taiwan and Penghu. After bombarding the island with artillery, approximately 17,000 Communist troops aboard 300 small craft landed at Kuningtou, Kinmen on 25 October 1949. In the ensuing 56-hour battle, the Communists were routed, leaving behind 8,000 dead and 6,000 prisoners. The victory at Kuningtou was the turning point of the civil war. President Truman's decision on 27 June, 1950 to order the United States Seventh Fleet to patrol the Taiwan Straits was a vital move in deterring potential aggression by Communist China, thus strengthening Taiwan's security. This was further increased by the establishment of the American

Military Advisory Group (AMAG) on 1 May 1951 and the signing of the Mutual Defence Treaty (MDT) on 3 December 1954 (Hu 1991: 558-559).

Another test of Taiwan's strength came in 1958 with the Battle of the Taiwan Straits, commonly referred to as the 'August 23 Battle'. The Chinese Communists launched a second attempted military invasion of Kinmen on August 23 1958. In less than 36 hours, the island was attacked by more than 94,000 rounds of artillery fire. During the next 42 days, over 400,000 additional shells rained down on the tiny island (of only 131.7 sq km in area). The 44-day bombardment failed to achieve its aim. Communist China abruptly announced a seven-day cease-fire, soon extended to another two weeks. At this point, the Communists initiated an 'every other day' bombardment schedule that continued until 15 December 1978, when they called for 'peaceful unification' with Taiwan, and stopped the bombardments (Shaw 1990: 89-90).

The strength demonstrated by the ROC Army in the 'August 23 Battle' acted as a deterrent to the ambitious Chinese Communists, stopping them from contemplating launching other attacks on Kinmen and Taiwan. Therefore the situation on Taiwan and Penghu gradually stabilized.

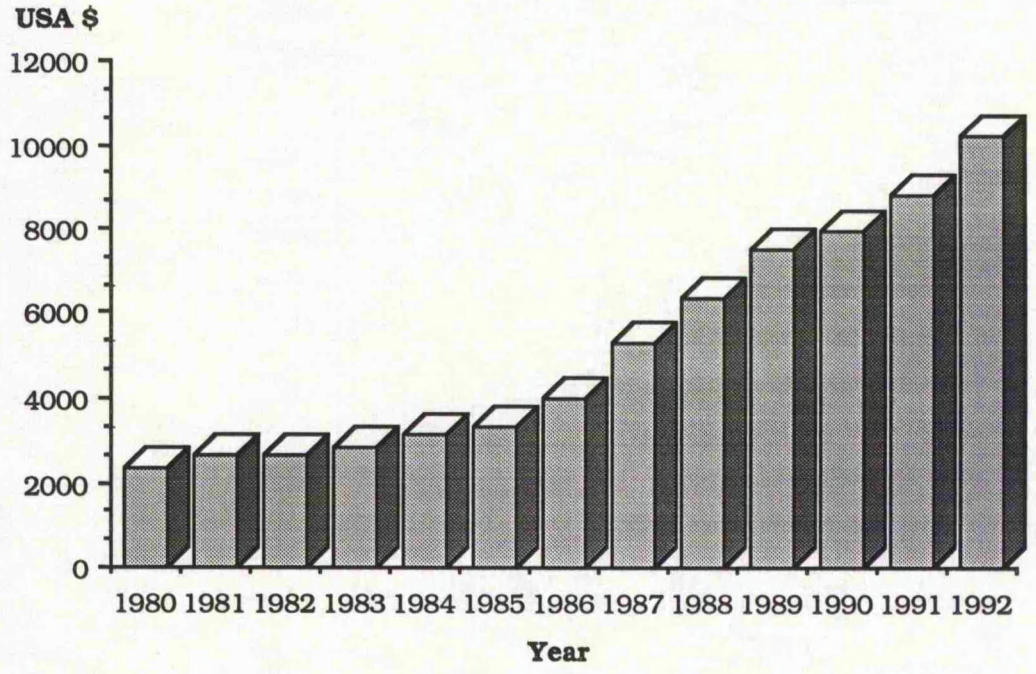
(ii) Economic Development

During the past four decades, people in Taiwan have transformed a basically agricultural and labour-intensive economy into a highly industrial and capital-intensive one. A number of factors have contributed to Taiwan's economic miracle. These include: (a) a sequence of optimum development strategies including, early on, basic land reform; (b) pragmatic economic planning; (c) an abundance of diligent and highly-educated labour; (d) a free and prosperous international trading environment. In short, an effective development strategy coupled with systematic implementation, the judicious allocation of resources, and the diligence of Chinese people have all been key factors underpinning the ROC on Taiwan's successful development (Hu 1991: 69). The tangible results of this economic process are: (a) the maintenance of a high level of economic growth without the emergence of a huge gap between rich and poor; (b) thriving exports, which have helped amass large amounts of foreign exchange reserves, and successive years of surpluses, revealing a durable competitiveness; (c) sound financial administration, almost free of the burden of annual budget deficits or public bonds, and without the constraint of foreign loans; (d) relatively stable prices and low inflation; (e) exceptionally low

unemployment; and (f) a world record-breaking rate of saving (Shaw 1990: 253-256).

Long-term economic trends in Taiwan during this period included the rapid growth of the gross national product (GNP), combined with moderate population growth. Starting from just US$169 per capital GNP in 1951-53, the economic growth rate was an average rate of 8.8 percent between 1951 and 1986, whilst the population grew by only 2.6 percent. Strong economic growth and appreciation of the New Taiwan dollar contributed to boosting the per capital GNP to US$ 7,518 in 1989 (Chien 1987) to US$ 7,954 in 1990 and to US$ 10,242 in 1992 (FCJ 25 August 1992: 8; see Figure 2.1 and 2.2).

Figure 2.1 Per Capita GNP in Taiwan (ROC) Since 1980



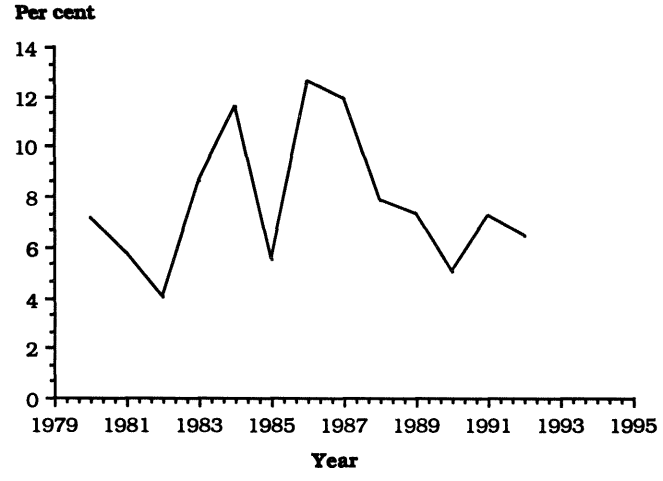
Source: Central Bank of China 1990: Table 2; Free China Journal 25 August 1992: 8

Taiwan (ROC) is now ranked 25th in the world. The per capital GNP of 1990 is 58 times that of the 1950's[3] (CDN 4 March 1991: 2 and 8 July 1991: 1). In recent years, Taiwan has accumulated a large sum of foreign exchange, reaching a staggering US$ 75 billion in early 1990, and becoming second only to Japan in the accumulation of foreign capital (DT 10 October 1989: 21). Furthermore, by October 1992, Taiwan's foreign reserves were US$ 89 billion, topping the world in this category (FCJ 13 October 1992: 6). Similarly, foreign trade has shown

[3] In 1950, the per capital GNP in Taiwan was only US$137.

remarkable growth. Total merchandise, exports and imports in 1989 amounted to US$118.4 billion. This increased to US$121.9 billion in 1990, and US$157.7 billion in 1991, helping to make Taiwan rank 13th in the world's trading nations (DT 10 October 1989: 21; CDN 8 July 1991: 1; FCJ 25 August 1992: 8).

Figure 2.2 Annual economic growth rate in Taiwan (ROC) since 1980



Source: Central Bank of China 1990: Table 1; Free China Journal 25 August 1992: 8

(iii) Education Expansion

Much of the credit for Taiwan's steady economic growth must go to the promotion of universal education on the island. During the Japanese colonial period, few Chinese had the opportunity to receive higher education. After 1949, the government tried to expand education at all levels. From 1950 to 1990, the number of university students, including those at private colleges and universities, increased more than 90 times. There were only five M.A. candidates in 1950, and it was not until 1956 that Taiwan had its first Ph.D student. In 1987, however, more than 12,000 students were enrolled in M.A. programmes in 315 graduates schools, and there were 3,000 Ph.D candidates. The number of high school students also increased from 34,000 in 1950 to more than 400,000 in 1990. Most noticeable has been the change in the rate of illiteracy. In 1951, 34.6 percent of the people six years and older were illiterate. This figure dropped to 15.3 percent in 1969. In 1981, the illiteracy rate had fallen to 9.85 percent, and by 1990 only 6.76 percent of the population were

illiterate, and about two percent semiliterate. Most of the people in these groups were over 70 years of age (Wu 1991: 56). The elimination of illiteracy paved the way for the enlightenment of the whole population, thus permitting political liberalisation and social reconstruction as well as rapid economic growth (Shaw 1991: 46-47).

(iv) Political Development

The ROC government carried out a programme for developing local self-government soon after it arrived in Taiwan in 1949. In 1950, all the chief executives and representative bodies under the provincial level were elected directly by the people. The government produced an "Outline for the Implementation of Local Self-government in Counties and Cities in Taiwan". Local elections in the entire Taiwan area were completed by 28 January 1951, and 16 county and five city governments and councils were established. Since then, direct elections for local government officials have been held regularly. In June 1959, the first Taiwan Provincial Assembly was set up, thus extending political participation from the county to provincial level.

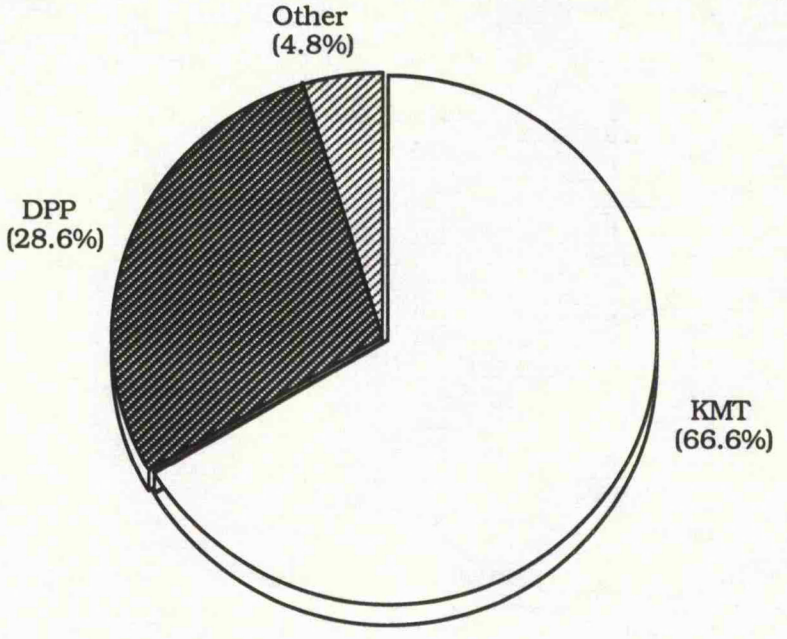
However, beginning in the early seventies, the ROC experienced a series of set-backs in the international political arena. First was the withdrawal of the ROC from the United Nations on 25 October 1971. Next was U.S. President Richard Nixon's visit to the Chinese mainland on 21-28 February 1972, which finished with the signing of the Shanghai Communique. On 29 September, Japan formally recognized Communist China. The United States severed ties with the ROC on New Year's Day, 1979. By the end of that year, U.S. forces were withdrawn and the Mutual Defence Treaty was terminated (Mao 1991: 19-21). The loss of U.S. diplomatic recognition in 1979 was the lowest ebb of the ROC's foreign relations. Since that time, however, the success of relations between the ROC and the U.S.A. has become a model for other nations lacking formal ties with Taipei. Thus the ROC has succeeded in establishing a growing number of representative offices in countries abroad, which in some cases set up similar offices in the ROC. By the end of 1991, the ROC had set up 80 offices in 50 nations with which it has no diplomatic ties (Hu 1991: 162), and by the middle of 1992 there were in fact only 30 nations which maintain full diplomatic ties with the ROC (CDN 27 July 1992: 1).

Despite changes in the international situation, the government proceeded confidently with its democratization programme. Political

participation gradually expanded during the 1970s and early 1980s. The election regulations approved and promoted by the President in 1969 extended electoral participation to the national level. National elections have been held since the regulations first came into force, and the number of seats open to local candidates has gradually increased. An organised political opposition has been in operation in Taiwan since the mid-1970s, when a number of non-Kuomingtang politicians formed the Tang-Wai (outside the Nationalist Party) to take part in election campaigns. The beginning of a more cohesive and effective opposition, however, truly began with the establishment of the Democratic Progressive Party (DPP) on 28 September 1986.

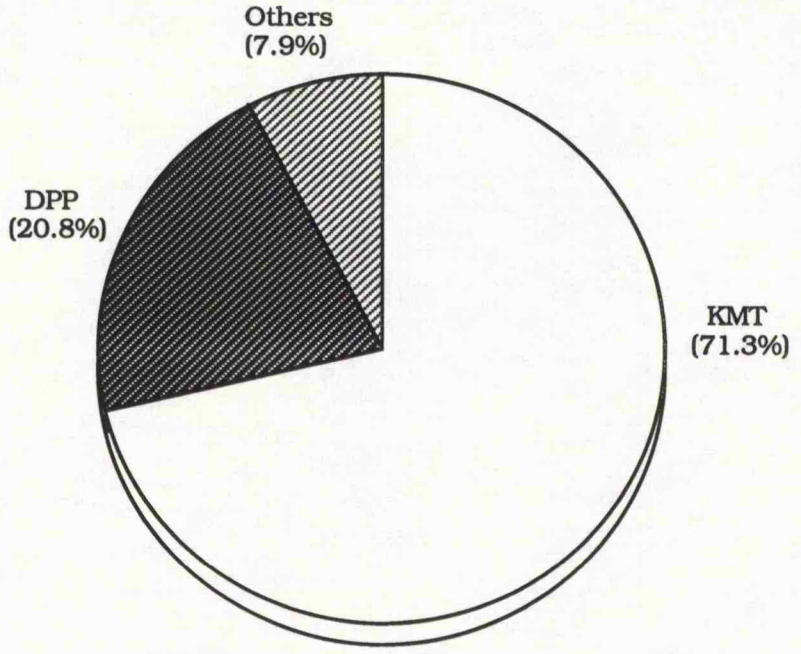
In the 1986 general elections, the DPP won 12 out of 73 seats in the Legislative Yuan, and 11 out of 84 seats in the National Assembly. During the primaries before the December 1989 elections, the DPP, as well as the KMT, nominated candidates for all five elections: for additional members of the Legislative Yuan, mayors and magistrates of the cities and counties of Taiwan Province, members of the Taiwan Provincial Assembly, Taipei City councilmen, and Kaohsiung City councilmen. The DPP captured 21 of the 101 seats in the Legislative Yuan with 28.3 percent of the popular vote, and 6 out of 21 positions as mayors and magistrates with 38.4 percent of the vote (Hu 1992: 130; see Figure 2.3-2.5).

Figure 2.3 Results of the 1990 elections – County Magistrates and City Mayors



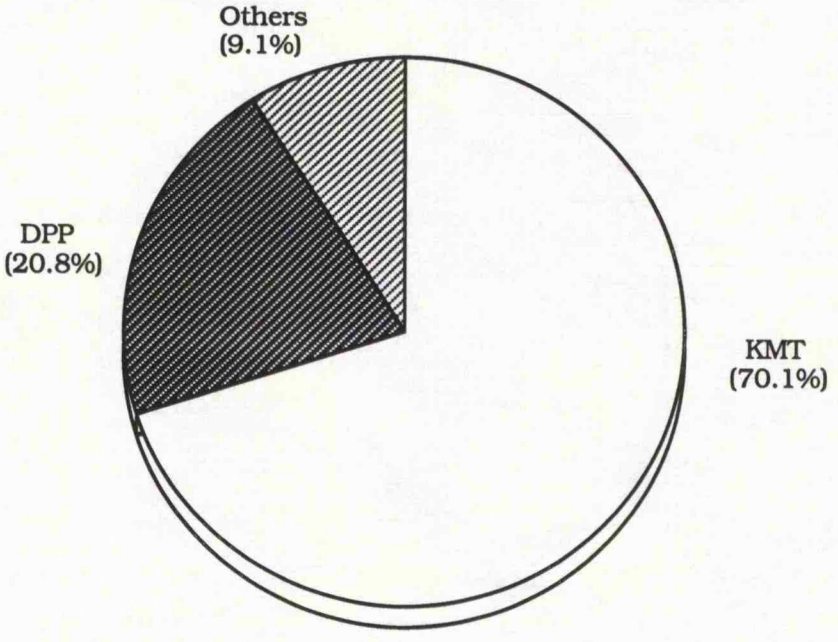
Source: Hu 1991: 130

Figure 2.4 Results of the 1989 elections—members of Legislative Yuan



Source: Hu 1991: 130

Figure 2.5: Results of the 1989 elections—Taiwan Provincial Assembly



Source: Hu 1991: 130

(v) Recent Developments

Gradual political changes in Taiwan, particularly over the past two decades, have set the scene for the dramatic reforms that have taken place from

1986-1992, including the lifting of the Emergency Decree-Martial Law[4] and the lifting of the bans on strikes, demonstrations[5], the forming of new political parties[6], the publication of new newspapers and a relaxation of restrictions on the number of pages allowed per issue and the reformation of the Constitution. These moves have reaffirmed the greater political maturity of both the government and populace, and have demonstrated the nation's ability to handle further democratisation and liberalisation. The development of the ROC's political programme can be guaranteed by the extent that political participation has increased in Taiwan, resulting in further political competition, and the emergence of a culture of political participation among the people.

Although various elections have been held for local government posts since 1950, members of the three central parliamentary bodies[7], elected in 1947, were allowed to serve indefinitely. This decision was based on constitutional interpretations rendered by the Council of Grand Justice in the early 1950s, made in response to the Communist rebellion on the Chinese mainland. Political participation was thus limited in the 1950s and 1960s, justified by considerations of national security and political stability.

Since 1972, the additional representatives to the three central parliamentary bodies have been subject to re-election at regular intervals: every six years for members of the National Assembly and the Control Yuan, and three years for members of the Legislative Yuan. Elections draw a high level of involvement in Taiwan. Nevertheless, the additional representatives still constitute a minority in the three representative bodies. In an effort to revive the parliament, the Legislative Yuan passed a bill on voluntary retirement of senior parliamentarians on 26 January 1989. On 21 June 1990, the Council of Grand Justices, in a bold interpretation of the Constitution, took a big step on the road to democratic reform by ruling that senior parliamentarians' tenure should be terminated by 31 December 1991 (Hu 1991: 570). According to this interpretation, all the senior parliamentarians retired on 31 December 1991. The ROC's Second National Assembly election was held on 21 December 1991, and 325 National Assemblymen were elected. The ruling Kuomintang won 254

[4] The National Security Law was promulgated on 15 July 1987.

[5] The Law on assembly and demonstration was passed by the Legislative Yuan on 28 October 1987.

[6] The Law on the Organisation of Civic Groups was passed on 20 January 1989.

[7] The National Assembly, the Legislative Yuan and the Control Yuan.

seats (78.15%). Also the Second Legislative Yuan election was held on 19 December 1992, and 161 legislators were elected. The ruling Kuomintang won 102 seats (63.35%) while the opposition Democratic Progressive Party won a record 50 seats. The Control Yuan has also been reorganised. All the members of the Control Yuan are now nominated by the President. And all the current nominations were approved by the National Assembly at the beginning of 1993 (CDN 23 December 1991: 1; FCJ 22 December 1992: 1 and 1 January 1993: 7). In the wake of Taiwan's economic miracle, the ROC Government is determined to create a political miracle.

(vi) Relations Between Two Sides of the Taiwan Straits

After four decades of hostility between the two sides of the Taiwan Straits, tension has relaxed somewhat, and contacts are now broader and more frequent. These include developments politically, socially, culturally, educationally, academically, economically, and athletically. (Hu 1991: 137-141; see Table 2.1). For example, more than three million people from Taiwan have visited the mainland in the past five years; indirect trade with the mainland via third areas amounted to US$ 5.8 billion in 1991; indirect Taiwan investment in the mainland now totals more than US$ 3.5 billion; and a staggering 50 million pieces of mail have been exchanged with occupants of the mainland in the past four years (FCJ 28 July 1992: 6).

Table 2.1 Developments in the ROC's Mainland Policy—Chronology of Major Events

November	1987	Taiwan residents allowed to visit relatives on the mainland
August	1988	Indirect trade with the mainland opens
September	1988	Mainland residents allowed to visit sick relatives or attend funerals in Taiwan
October	1990	Formation of National Unification Council
January	1991	Formation of Mainland Affairs Council
February	1991	Formation of Straits Exchange Foundation
March	1991	Promulgation of Guidelines for National Unification
May	1991	Termination of Period of National Mobilization for Suppression of the Communist Rebellion
January	1992	Mainland spouses of Taiwan residents allowed to settle in Taiwan
July	1992	Passage of Statutes Governing Regulations Between the People of Taiwan and Mainland Areas
September	1992	Mainland Affairs Conference

Source: The Free China Journal, 22 September 1992: 2.

On 1 May 1991, President Lee Teng-hui announced the abolition of the "Temporary Provisions Effective During the Period of Communist Rebellion" (CDN 24 April 1991: 1). It was not, of course, that the Communists had been ousted from power in Peking! Rather the Taiwan (ROC) government had decided that it could no longer describe China's rule's of more than 40 years as illegitimate and unsustainable. The Taiwanese, too, see the end of the provisions as a boost not only to trade, but in general relations between the Communist mainland and themselves. The abolition of the anti-Communist laws means mainlanders are able to travel move freely to the island and help ease relations, in the transitional period, between Hong Kong, Macau, and Peking (*The Times* 1 May 1991: 12).

2.6 Police Developments in Taiwan (ROC) During 1949—1969

When Fu F. S. took over as Director of the Taiwan Provincial Police Administration, he immediately implemented two police reforms, 'The Programme of Police Administration Reformation (TPPAR)' and 'The Programme of the Simplification of Police Direction and Supervision System (TPSPDSS)' (Wu 1990: 34). In December 1949, the National Government moved to Taiwan and continued to implement the two reforms.

The contents of 'The Programme of Police Administration Reformation' included four main themes. (a) to establish a legal and a policing system, to enact and revise all aspects of the police code, and to establish the concept of 'judicial administration', that is to govern in accordance with the law. (b) to formulate police powers as soon as possible and this led to the primary code of practice 'the Police Code' in 1953. (c) to improve police management. After 1949, there were four kinds of police officers in Taiwan and the Penghu Islands. The first type came to take over the police affairs in 1945 and the second followed the National Government's move to Taiwan in 1949. The third had come before 1945: some Taiwanese were police officers when the Japanese occupied Taiwan, and after Taiwan's restoration, they continued as police officers. The fourth were transferred from the military. This resulted in some problems concerning appointments and promotions, so police management needed to improve as soon as possible. (d) to develop police education. When the national government moved to Taiwan in 1949, there were too few police officers in Taiwan. In order to increase the number of police officers, the CPC and Taiwan Provincial Police Academy were strengthened to recruit new police officers.

The main contents of 'The Programme of the Simplification of Police Direction and Supervision System' included two major developments. (a) in 1945, China was on the winning side in the Second World War. In order to repair the damage caused by the war, China implemented a five-year police reconstruction programme. On 15 August 1946, the Police Department of the Ministry of Interior was enlarged into the National General Police Administration (NGPA) under the Ministry of the Interior. This was changed back to the Police Department under the the Ministry of the Interior when it moved to Canton[8] in April 1949. In December 1949, the national government moved to Taipei, Taiwan, but the Police Department in the Ministry of the Interior still maintained control of the police affairs in the whole country (Chu 1982 : 80-85; Chen 1984: 88-89 and 122-130). Under the Taiwan Provincial Police Administration, there were Police Headquarters (Bureau), Police Stations, Police Sub-stations, and Police Beats set up in cities and towns. Supervision was directly from top to bottom, simplifying the police supervision system (Chen 1984: 101). (b) before 1953, the supervision of some professional police active services was very confused; for example, the Railway Police were controlled by the Ministry of Railways; the National Salt Police and National Tax Police were controlled by the Ministry of Finance; the Fisheries Police, the Mines Police, and the Forestry Police were controlled by both the Ministry of the Interior and by other concerned Ministries. When the Police Code became effective on the 15 June 1953, it ruled that all professional police active services were to be controlled by the Ministry of the Interior (Chen 1984: 89). Furthermore, in order to simplify the system, it also regulated that all the specialised police active services were to be controlled by the Ministry of the Interior, for example: the Criminal Investigation Police; Peace Keeping Police; Water Police; Harbour Police; Traffic Police; and Fire Fighting Police (Chen 1984: 89).

In September 1948, the national government had started to draft the police code, but because of the Communist rebellion, and the resulting instability of the country, the police code was not passed by the Legislative Yuan during this period. After the national government moved to Taiwan, the drafting of the police code started again. After a series of discussions and revisions, the police code was finally promulgated on 2 June 1953, and because effective on 15 June 1953 (Chu 1989: 28-33).

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[8] Capital of Kwangtung Province.

The Police Code was drafted according to Article 108 of the Constitution, and it regulated the mission; organisation; personnel; operation; power; education; affairs; direction and supervision; and budget. On 27 November 1957, the Enforcement Rules for the Police Code were promulgated by the Ministry of the Interior (Chu 1989: 28-33). The Police Code was not only the foundation of all police operations, but also indicated clearly the direction for future improvements of the police force. It affected the police development in Taiwan (ROC) very deeply. On 15 June 1978, the national government decided that the 15 June of every year was to be 'The Police Day', such was the significance of the Code (*Police Torch* July 1986: 1).

2.7 Analysis of Police Developments in Taiwan (ROC) Between 1949 and 1969

During the 1960s, although the economy in Taiwan started to prosper, it was still, generally speaking, an agricultural society. The people were conservative, simple, and sincere. Furthermore, because the police were responsible for the administration of the national census, they were provided with the opportunity to gain a great deal of knowledge about the population. The society was very stable. Despite some theft and juvenile crimes, the crime rate was very low (Wu 1990: 33-57). Furthermore, the educational background of the people was low; the people generally did not know their rights and they generally obeyed the law; there were few conflicts between the police and the civilians and the relations between the police and the people were quite good - the police could count on 80-85 percent support from the people, especially in the countryside (YDN 15 Oct. 1984: 5; Lee 1986).

Before 1969, the educational background of the people was poor and their income low. On the other hand the police, once they had graduated from high school, were entitled to participate in the police academy entrance examination, offering the advantages of police pay, which was quite high compared to civilians. The police were also public servants with protection from the government. Therefore, the social status of the police was high, and they were respected by the civilian population (Wu 1987b: 6-8). For example, the local beat officer was always invited, as a VIP, to take part in the most important family occasions, such as, marriages, funerals, and births. If the police were late, people would wait before starting the party!

Since the national government moved to Taiwan in 1949, they had continued to prepare to counter-attack the Communists on the mainland. In order to reinforce their offensive strength, they continued to look at ways of strengthening Taiwan. The police administration construction was one of the most important aspects of this. Immediately, 'TPPAR' and 'TPSPDSS' were implemented. Certain measures concerning the police had been taken, for example, in setting up the police system; adjusting the police organisation; mapping out the police terrority; increasing police personnel; and improving police management. Furthermore, the Police Code regulated nearly all police affairs. The most important concepts were 'judicial administration' and 'governing in accordance with the law'.

When the national government moved to Taiwan, it was still at war with the Communists. In order to preserve the nation's security and stability, on the 20 May 1949, the national government implemented Martial Law in Taiwan, and social control became quite strict. The police undertook the 'management and control' role in society. The police were expected to be highly loyal to the country and the government (Wu 1990: 33-57).

The territories which were under the control of the ROC government since its removal to Taiwan in 1949 included the islands of Taiwan, Penghu, Kinmen, Matsu, and the Pratas and Spratly Islands, which is a total of approximately 36,000 square kilometres (13,900 square miles), or about the same size as Holland, and slightly larger than Massachusetts and Connecticut combined. The territories were therefore small, and the efficiency of the government was high. This helped the police to develop quickly and effectively.

2.3 Police Developments in Taiwan (ROC) During 1970—1979

As a result of the setbacks in foreign affairs after 1970s, there was a serious 'confidence crisis', with a good many rich people and big enterprises moving abroad, and with lots of money and investment moving out of the ROC. The economy of the ROC had already become prosperous, and the social structure had started to change[9]. Furthermore, since the mid-1970s, an organised political opposition had operated in Taiwan, and a number of non-

[9] For example, the formation of the big city, the transformation from the agricultural society into an industrial one, changing from the traditionally big family to the small family.

Kuomingtang politicians formed the Tang-Wai to take part in election campaigns. In this context a number of further police reforms were necessary.

In September 1971, the central government, in accordance with the Police Code, articles 3, 4, 5, and 6, enacted the 'The Organisation Code of the NPA of the Ministry of the Interior'. As a result of this organisation code, the National Police Administration of the Ministry of the Interior was set up on 15 July 1972. Replacing the Police Department of the Ministry, the NPA is the highest police administration in the country (Chen 1984: 123; Wu 1987a: 119-123). However, due to limited territories and population, in order to temporarily save on expense, many units, high ranking police officers, and the personnel of the NPA and the TPPA which were nearly the same, worked in the same office (Chen 1984: 123-126; Wu 1990: 33-57). This is a characteristic peculiar to the police organisation of Taiwan (ROC).

In the later period of the 1970s, due to rapid political and social changes, the crime rate rose. The government came to the view that the crime rate would continue to rise and the methods used by criminals also change. They believed the main crimes would be economic, intellectual, white-collar, and organised crime, with increased use of firearms (Wu 1990: 35). In order to maintain public order, in January 1977, 'The Programme of the Modernisation of the Police Administration (TPMPA)' was implemented to help speed up police reconstruction. The quality of the police service may be measured by many indicators, for example, clear-up rates, arrest rates, and response times. But the first impression, and often the most lasting, is the image presented by the patrol officer. Does he convey an image of authority, or one of slovenliness? (Pilant 1992b: 37-61). Therefore, the main tenets of the police modernisation programme included: to keep up the standards of appearance of the police; that the police service attitude must be gentle and affable; an emphasis on the police service's efficiency; and an improvement of police discipline. The main jobs were to strengthen and establish good relations between police and public; to strengthen police training, to improve the modernisation of the police force; to emphasise the police spirit of education; and to strengthen police morale construction (Wu 1990: 35).

2.9 Analysis of Police Reformations in Taiwan (ROC) Between 1970 and 1979

Generally speaking, in the 1970s the politics and society of the ROC faced a challenge not equalled before or since. The events inside and outside the country were considered to constitute a threat to the stability and security of the country. In order to adjust to the rapid developments, the government set up the NPA in the early period of the 1970s, and then implemented 'TPMPA'. This police modernisation affected police methods and equipment, career structure and promotion and the education and training of officers. The number of police officers was increasing, which made the police more able and efficient in preventing and investigating crime (Wu 1987a: 119-123 and 1990: 33-57). Although the crime rate was rising each year, society remained peaceful and stable and it also won the reputation of 'one of the safest places in the world' (*Police Torch* May 1990: 5).

The National Government and Communist China were still in opposition to each other, and Martial Law was still in effect. But the economy in Taiwan was highly prosperous, and the structure of the whole society was changing. The nature of crime had also changed from petty theft to economic, white-collar, intellectual, and organised-violent crime. Furthermore, the educational background of the people had gradually reached a higher level and people were much more aware of their rights. Conflicts between police officers and the public were inevitable and increasing and relations between the police and the public were getting worse, especially in the big cities. In order to improve relations, the police emphasised the presentation and appearance of officers; their attitude; the quality and efficiency of the police service; and improvements in police discipline. The government asked the police to be highly loyal and it strengthened police education to instil in all police the concepts of democracy, judicial administration, and human rights. Furthermore, in order to obtain the confidence, support, and cooperation of the people, the police emphasised their service role. So the basic functions of the police changed from 'management and control' to 'service' (Wu 1990: 33-57).

In order to adjust to the social changes, the national government enlarged the Police Department into the NPA under the Ministry of the Interior. Although the staff and the office were nearly combined with the TPPA, the administration status of the police was heightened. This not only made police promotion easier, but also made it easier for the police to compete for budgeting;

to cooperate or coordinate with the Departments or Bureau of other Ministries; and to direct and supervise its police.

Due to the prosperity of the economy, the NPA got more than enough money to improve police equipment, to increase police manpower, to strengthen police training, and to improve their ability to prevent and investigate crime. Furthermore, although the education expansion resulted in people knowing and enjoying their rights, it also raised the quality of the people's lives. Because the police were from the people, it also resulted in the quality of the recruiting students in the Central Police University (CPU) and the Taiwan Police College (TPC) being higher than before, which was a great influence on the future development of the police.

2.10 Summary

As already mentioned, the new police were first introduced to China in 1862 by the British, French and Americans. However, as a result of a series of political corruptions, wars against foreign powers, unequal treaties, civil wars and the poverty of the country, the development of the new police up until 1949 was restricted. Only during a few periods between the period 1862 and 1949 did the police develop systematically. For example, during 1901 and 1911, as a result of the preparation to implement the constitution, the government paid great attention to the construction of the new police. As a result police stations and police training schools spread rapidly throughout the country.

Since the National Government moved to Taiwan in 1949, it has paid greater attention to the construction of the Taiwan area, and has actually achieved a great deal, especially regarding political, economic and educational developments up until 1980. The development of the police in Taiwan (ROC) also grew faster during this period of time. However, as a result of political, economic and social changes, there have also been changes in police/public relations, as well as in the social status and role of the police. For example, the basic functions of the police changed from 'management and operative control' during the period 1949-1969, to that of 'service' in the late 1970s.

In order to secure the safety of the Taiwan area, martial law and 'Temporary Provisions Effective During the Period of Communist Rebellion' (TPEDPCR) were implemented in Taiwan (ROC). This led to a reduction in the

status of the police and their development within the government structure compared with the military. In the following chapter, we examine the nature of policing in Taiwan (ROC) after 1980, concentrating especially on current policing after the lifting of martial law, and their present challenges.

CHAPTER 3

Police Development in Taiwan (ROC) After 1980

In 1949, with the civil war between the national government and the Communists still continuing, and the national government nearly defeated, the standing of the government was at a dangerously low level. In order to protect the security of the nation, on 20 May 1949, Martial Law was implemented. In December 1949, the national government moved to Taiwan, where Martial Law was maintained (Kang 1971: 497-501; Liu, Su and Wang 1989: 19-20). Furthermore, the 'Temporary Provisions Effective During the Period of Communist Rebellion' (TPEDPCR) were promulgated in May 1948. The development of Taiwan (ROC) police has been influenced deeply by these two laws during the following four decades.

3.1 The Contents of Martial Law and the 'Temporary Provisions'

Article 11 of the Martial Law states:

> Within an area under Martial Law, the commander-in-chief shall have the power to stop assembly, association, demonstration and petition, and keep control over speech, teaching, newspapers, magazines, pictures, notices, posters and other publications, if they are deemed prejudicial to military affairs; to restrict or prohibit religious activities of the people, if they are deemed prejudicial to public security; to prohibit traders' strikes, workers' strikes, students' strikes or other strikes of the people and to force the strikers to return to their original condition; to censor mail and telegrams, and may withhold or confiscate them in case of need; to inspect incoming or outgoing vessels, vehicles, aircraft and other conveyances, and, where necessary, may stop their traffic and block their main routes; to examine doubtful passengers; to inspect (if occasion calls) private weapons, ammunitions, arms, firearms and other dangerous articles and may withhold or confiscate them; to carry out an examination of construction, vessels, and doubtful dwelling houses, provided, that no damage shall be inflicted thereon on purpose; to order those who live within the area under Martial Law to evacuate such an area and may restrict or prohibit their moving-in (in case of need); to destroy immovables of the people (when circumstances compel it for the enforcement of Martial Law), provided, that appropriate compensation therewith shall be made; to conduct an inspection, investigation and registration of civilian foodstuff and resources usable for military purposes and, if necessary, may also prohibit the moving-out thereof. In case the expropriation of the same must be made, an appropriate compensation shall be given.

Furthermore, as above 'Upon declaration of Martial Law, the local administrative officials or judges within the security area shall, in the handling of military affairs, be subject to the direction of the highest commanding officer in the

said area' (Article 6). And 'During the enforcement of Martial Law, the local administrative and judicial matters of the combat area shall be placed under the charge of the commander-in-chief in the said area, and the local administrative officials and judges shall be subject to the direction of the said commander-in-chief' (Article 7). In addition, during the enforcement of Martial Law, the military may try people for the following listed criminal offences committed within the combat area or assign them to a court for trial: offences against the internal security of the state; offences against the external security of the state; offences against public order; offences against public safety; offences of counterfeiting currency or valuable securities, or forging instruments or seals; offences of homicide; offences against personal liberty; offences of forceful taking, robbery and piracy; offences of intimidation and kidnapping for ransom; offences of destruction, abandonment, and damage, etc (Article 8).

The 'Temporary Provisions Effective During the Period of Communist Rebellion (TPEDPCR)', promulgated in May 1948, were revised on four occasions[1]. There were 11 articles in the document as it was finally revised, including the following principal provisions (Shaw 1989a: 111 and 707-708 and 1990: 101 and 720-721; Liu, Su and Wang 1989: 18): Article 1 empowers the President to take whatever emergency measures may be necessary to cope with imminent danger to the security of the nation or any serious financial or economic crisis. Article 3 states that 'during the Period of Communist Rebellion, the President and the Vice President may be re-elected without being subject to the two-term restriction prescribed in Article 47 of the Constitution'. Articles 4 through 6 authorize the President to set up an ad hoc organisation to determine major policies concerning national mobilization and suppression of rebellion. In so doing, the President may make readjustments in the administrative and personnel agencies of the central government. In addition, the President may promulgate regulations governing the election of additional representatives to the central parliamentary bodies without being subject to the restrictions of the Constitution. Article 10 confers full authority to the President to decide if and when the period of the Communist rebellion is terminated. Article 11 gives the National Assembly the right to amend or abrogate the Temporary Provisions.

Undoubtedly, the implementation of 'Martial Law' and the 'TPEDPCR' deeply affected the freedom and rights of the people, and the development of politics,

[1] These four occasions were 11 March 1960; 7 February 1966; 17 March 1966; and 17 March 1972.

society, economy, culture, education, and justice in Taiwan before July 1987. Consequently, police development was also deeply affected. The Emergency Decree activating Martial Law was lifted on 15 July 1987, and on 30 April 1991, President Lee Teng-hui declared the termination of the Period of National Mobilization for Suppression of Communist Rebellion and abolished the Temporary Provisions, effective on 1 May 1991, ushering the nation into a more democratic, open, free, prosperous, and progressive era.

3.2 Police Development Before and After the Lifting of Martial Law

In the 1980s, the economy in Taiwan (ROC) continued to increase in prosperities, political participation was growing, society was becoming more complicated and the crime rate continued to rise. The NPA implemented the second[2], third[3] and fourth[4] periods of improving the police administration. The contents of the second and third period concentrated on strengthening public order, strengthening the police ability to prevent and investigate crime, improving the police service attitude, strengthening public/police relations and improving police training and discipline (Wu 1990: 33-57). The fourth period was also called the 'Five-Year Police Administration Construction Programme' (FYPACP). It concentrated on improving the police organisation structure, achieving excellent police education and training, improving police pay and welfare, improving and expanding police equipment, implements, and materials, and revising and refining the law, code, and orders concerning the police (*Police Torch* January 1990: 1).

After nearly 40 years of Martial Law, the improved security position and the increased prosperity and stability enabled the government to consider relaxing some aspects of Martial Law, which was finally lifted on 15 July 1987. In order to adjust to the consequent social change, the government continued to implement the 'FYPACP', which began in July 1986 and was completed by the end of June 1990 (*Police Torch* July 1986: 5 and June 1990: 7-9). Generally speaking, the quality of a police force in any country should be assessed by analysing the police organisation and personnel, the quality and training of the police, the modernization of the police equipment, the pay, welfare, morale, and discipline of the police, the accountability,

[2] From November 1980 to September 1982.

[3] From October 1982 to June 1985.

[4] From July 1985 to June 1990.

law, code and order of the police, and the relation and cooperation of the police and the public (*Police Torch* February 1991: 9). In an effort to establish the very best policing system possible, in July 1990 the NPA decided to implement 'the programme of continual police construction', which concentrated on similar issues to the 'FYPACP' (*Police Torch* January 1990: 1 and February 1991: 34-39). The government hoped to improve police standards still further.

The government and people of Taiwan (ROC) have invested a great deal in the police service since 1980. The government emphasised police reform and improvement and invested nearly 8.9 billion NT$ dollars (about £200 million) with 'FYPACP'. It was a general programme concerning police organisation, education and training, pay and welfare, equipment, implements, and materials, and police law, code, and orders. The programme was enforced through a strict plan-supervise-review procedure to ensure that it was implemented successfully, resulting in an improving police ability to prevent and investigate crime (*Police Torch* January 1990: 4-5 and June 1990: 7-9). Furthermore, since 1 July 1990, the government has invested another almost 40 billion NT$ dollars (about £1 billion) to implement 'The Programme of Continual Police Construction'. The programme continued to concentrate on improving police professionalism and efficiency.

After Martial Law was lifted on 15 July 1987, the law on The Organisation of Civic Groups became effective from 20 January 1989 and permitted the people to organise a new party to take part in election campaigns (Hu 1991: 568). This resulted in the country developing party politics—a form of democracy wherein the majority party forms the government with the opposition acting as watch-dog. The government, the people, and the leader of the police together asked all the police to practise democracy and judicial administration; the role of the police was changing into keeping 'balance and independence' (Wu 1990: 33-57). In order to strive for their rights people on occasions used illegal methods, for example, illegal assembly and demonstration, which created conflict between the police and the public. Furthermore, due to changes in the social structure, the character of contacts between the police and the public has changed, too. A series of police corruption cases and unlawful acts, greatly affecting the whole image of the police, and reducing the social status of the police, also occurred. The leader of the police reiterated his emphasis on improving the attitude of the police service, and developing greater professionalism and thereby winning back the people's confidence. According to an opinion poll carried out in September 1991, the police enjoyed 73 per cent support from the public (*Police Torch* October 1991: 1). This is nearly 10 per cent lower than a comparable poll conducted in the 1960s.

3.3 The Differences Before and After the Lifting of Martial Law

Before Martial Law was lifted, the most important thing was the security of the nation, so the military was seen as more important than any other group. The freedom and rights of the people were limited and the police were secondary to the military. The police were under the supervision of the Ministry of the Interior, but also had to receive directions and supervision from the National Security Bureau (NSB) and the Taiwan General Garrison Command (TGGC). Police policy and operations were always interfered with. After the lifting of Martial Law (the Emergency Decree), the operation of the nation returned to normal. The peoples' rights were established according to the Constitution and the law, and the police started to play the most important role in the internal affairs of the country, with less intervention occurring. The police received more rights concerning decision-making and independence and the status of the police administration was raised as well.

After the lifting of Martial Law, some affairs which before were under the control of the military, were transferred to the police. These included, for example, the entry and exit service, safeguarding coastal defences, military installations and mountain areas, the search and inspections of transport (vessels, rafts, aircraft) and the passengers (including sailors, flight crews, fishermen) and their belongings. This increased the responsibilities and work of the police, and coupled with the increasing crime rate and the more liberated society the police were a great deal busier than before.

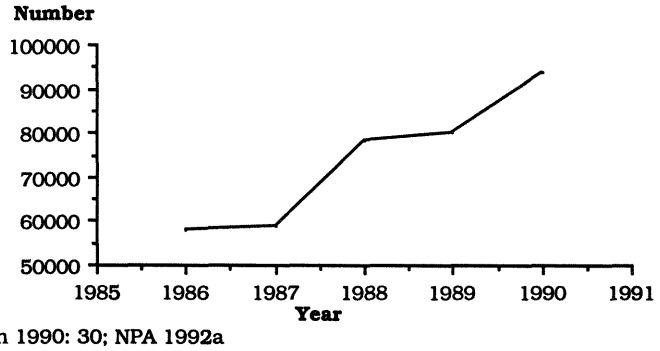
After the national government moved to Taiwan in December 1949, few police director generals were promoted through the police ranks. Most of them were appointed from lieutenant general in the military to the director general of police administration, especially after the NPA was established on 15 July 1972. Nearly every director general deployed the police reform programme and tried their best to improve police administration, but there were many criticisms of their military background. The education, training, and culture of the military differed in comparison to that of the police. The objective of the military is to defeat the enemy, but the work objectives of the police are to serve the people. These differences have been explained as follows:

> The military, in addition to the concept of obedience to all lawful orders, also have 'contracts' with their specialists. Para-troopers may opt out during their training, but once trained must jump from aircraft when ordered; submarines must go to sea when required; pilots, when trained, must fly aircraft etc. If any of these specialists fail to perform the tasks for which

they have been trained they commit serious military offences. However, this does not appear to be the case with police officers (Ford 1990: 33).

The appointment period for director generals was not fixed: some were three years, some were six years. When a director general was appointed from the military, he/she usually took at least one or two years to understand the police, and when he/she finally understood the job, it was often time to appoint another director general. There was therefore a problem that a director general from a military background did not fully understand the police structure, organisation and functions. Nearly every director general brought with them some military personnel who they appointed as high ranking police officers and who occupied the most important positions (*China Times* 18 October 1984: 2). This affected the normal police promotion system, and the morale of the police.

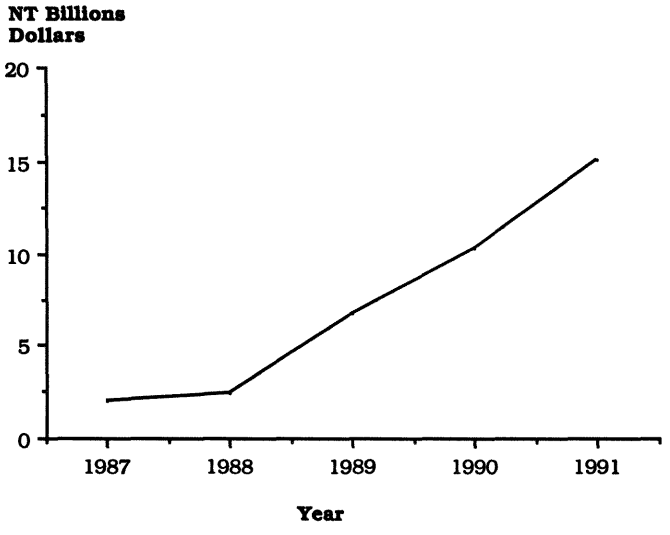
Figure 3.1 The growth of police in Taiwan (ROC) since 1986



Source: Chen 1990: 30; NPA 1992a

On 6 August 1990, the first real police officer, Chuang Heng-tai, was appointed as the director general. Early on in Taiwan, he served as the Kaohsiung district reception control officer. At only 24 he was promoted to be the head of the Pingtung Police Office (equivalent to a captain today). Over the past 40 years, he has served as a captain, chief of police, general inspector in both Hualian and Changhwa counties, and Commissioner of the CIB. From then on, the situation changed (Tang 1990b: 92-95; NPA 1992a: 1). After the lifting of Martial Law, police manpower also increased rapidly. Before the lifting of Martial Law, in 1986, the total police personnel strength was 57,943, but by 1990 this had risen to 93,638 (see figure 3.1). The police budget also increased dramatically. For example, in 1987 (before the lifting of Martial Law), the police budget was about 2 billion NT$ dollars, but by 1991, it had increased to 15.1 billion NT$ dollars (see Figure 3.2).

Figure 3.2 The growth of the police budget in Taiwan (ROC) since 1987



Source: Chen 1990: 30; NPA 1992a

In order to adjust to the social changes, the NPA enlarged or set up a number of special units. For example, the Fourth Peace Preservation Police Corps was set up on 1 January 1990 to deal with public order cases in the central part of Taiwan (*Police Torch* March 1991: 6), the Fifth Peace Preservation Police Corps was set up on 1 January 1990 to deal with public order cases in the south of Taiwan, and the Seventh Peace Preservation Police Corps was also set up on 1 January 1990 to take charge of water security (NPA 1992a: 1-47). The mission of the Seventh Peace Preservation Police Corps is to prohibit and check the smuggling of weapons, ammunition, explosives and drugs, and to prevent the illegal entry of people within six nautical miles of commercial ports, fishing harbours; it is also to oversee the security of rivers, and to coordinate with the Fishery Protection and Inspection Ship Team of the Council of Agriculture to carry out the mission of pelagic and coastal maritime police (NPA 1992b: 2).

3.4 Recent Police Developments in Taiwan (ROC)

The Republic of China is a democratic constitutional country. As stipulated in the Constitution Article 108(1-17): '...the central government shall have the power

of legislation and administration concerning the 'police system', but the central government may delegate this power of administration to the provincial and hsien government....'. Therefore, the governing code of the police, the Police Code, is born out of the Constitution. Building on the reforms and improvements since 1978, the government and police administration are continuing to develop a better police capacity to cope efficiently with the social and economic changes. The recent developments in policing and the current structure and organisation can be summarised under two main readings: the organisational system and the police missions and powers.

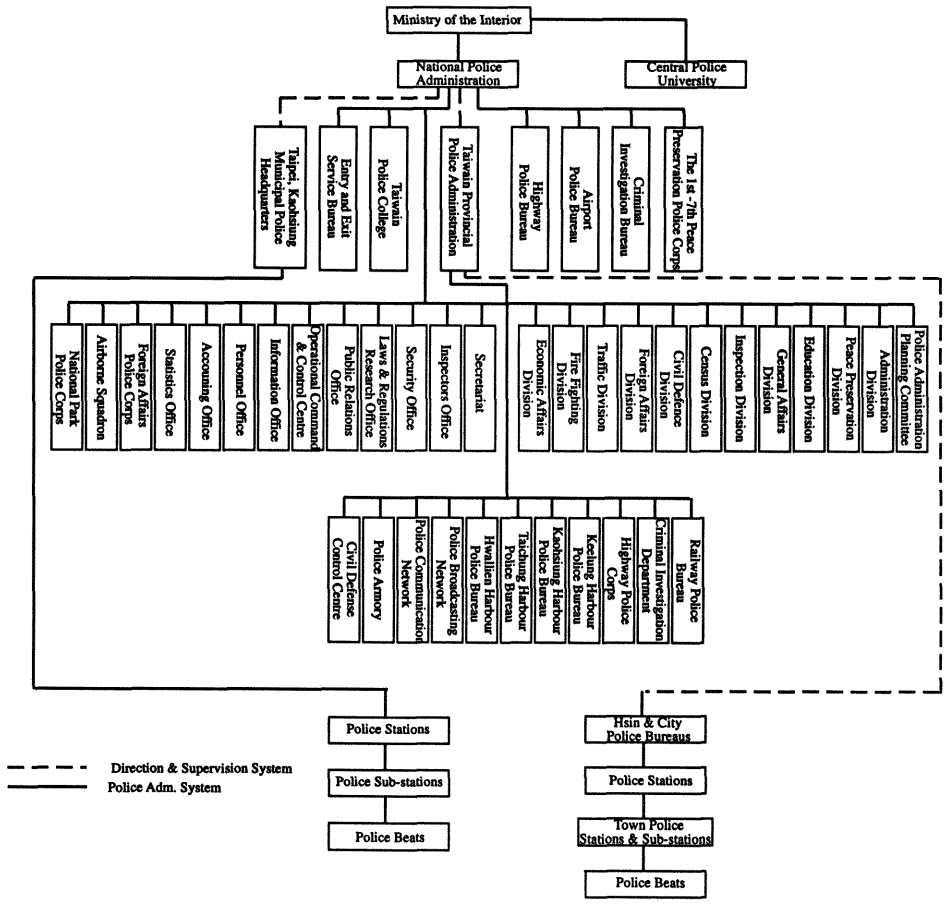
(i) The Organisational System

The police operate at the central, provincial, and county levels. At the central level, police affairs are handled by the Ministry of the Interior through the National Police Administration (NPA). The duties of the NPA include administration; education; public order; economic affairs; fire fighting; traffic; census taking; civil defence; and foreign and general affairs. Separate officers oversee inspection, statutes, public relations, accounting, and personnel. Other divisions include the Entry and Exit Service Bureau (EESB), Criminal Investigation Bureau (CIB), Highway Police Bureau (HPB), Airport Police Bureau (APB), Airborne Squadron, National Park Police Corps (NPPC), and Foreign Affairs Police Corps (FAPC) (Hu 1991: 252-254; NPA 1992a). The Central Police University (CPU) deals with the national high grade police education and the study of police knowledge and skill.

In a province, a provincial police administration is set up underneath the provincial government, and a municipal police headquarters is set up under the government of a special municipality. For example, the Taipei Municipal Police Headquarters (TMPH), a subordinate organisation of the Taipei City Government, is under the command and supervision of the NPA of the Ministry of the Interior. The headquarters is commanded by the commissioner. Under the commissioner are three deputy commissioners and a chief secretary. The headquarters is composed of seven staff divisions (operations planning, peace preservation, training, census, civil defense, foreign affairs, and general affairs), nine offices (secretariat, inspectors, security, law and regulations research, personnel, accounting, statistics, public relations and information), two centres (operations control and civil defence control), a traffic court and a juvenile guidance committee. Under the direct control and supervision of the headquarters are the criminal investigation corps, traffic police corps, police mobile units, fire brigade, juvenile squad, woman police corps, 14 police stations, 93 sub-stations and two out-stations. It had an establishment of

8,609 sworn officers in 1992 (Taipei Municipal Police Department 1992: 4;). Furthermore, a police bureau is set up underneath the county or city government, then underneath the police bureau a police station, and underneath the police station a police sub-station and police beat (NPA 1992a) (see Figures 3.3-3.5). Nowadays, there are two municipal police headquarters[5] and 21 police bureaus in the whole country (Chu 1987: 19-25).

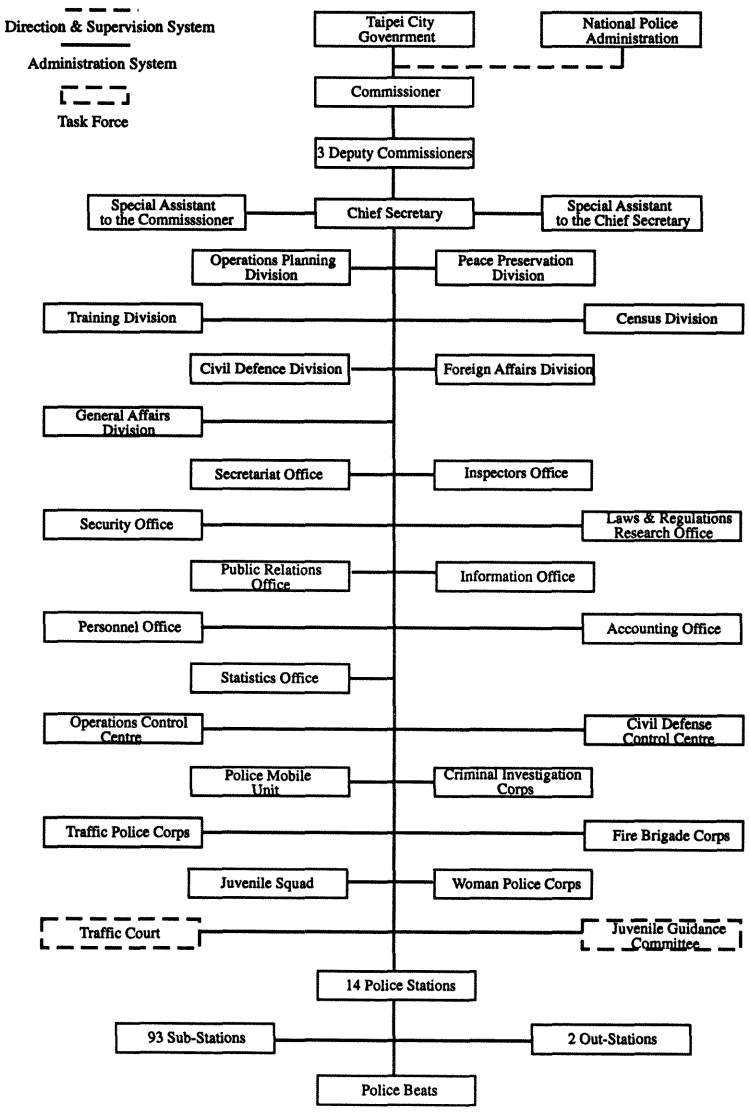
Figure 3.3 The Organisation System of the NPA, Ministry of the Interior



Source: NPA, July, 1991:7; Revised by the author.

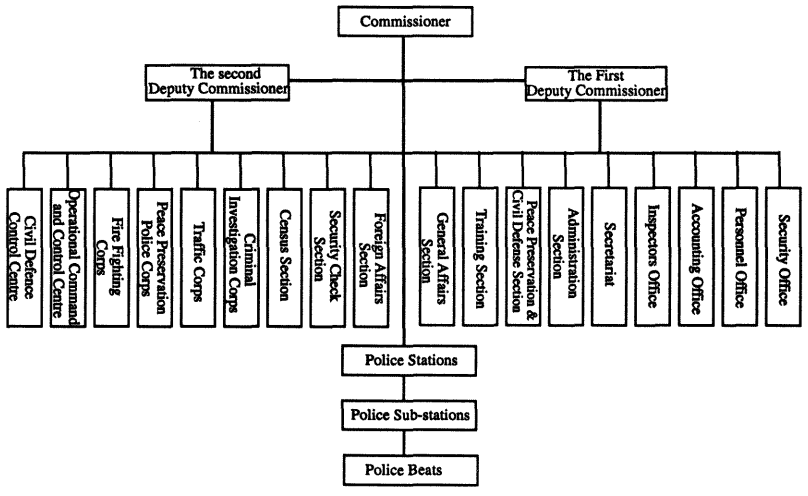
[5] Taipei and Kaohsiung Municipal City.

Figure 3.4: The Organizational System of the Taipei Municipal Police Headquarters



Source: Taipei Municipal Police Department, 1992:4-5; Revised by the author.

Figure 3.5: The Organisation of the County Police Bureau.



Source: Taoyuan County Police Bureau, 1990:3; Revised by the author..

(ii) The Police Missions and Powers

As stipulated in the Police Code, Article 2, the mission of the police of the ROC is to maintain public order, to protect the security of society, to prevent all hazards and to promote the welfare of the people in accordance with the law. Among these, the first three items are the main missions, and the final one is supplementary (Kou 1986: 2). The police have to work for the benefit of and to render service to the people with patience, a sense of duty, dignity and utmost effort at all times. Furthermore, the police must strive with a spirit of adventure and sacrifice to manifest righteousness and suppress evil in order to build a peaceful and happy society (NPA 1982).

According to Article 9 of the Police Code, the police powers are as follows: (a) to issue and carry out police orders. In central government, orders are issued by the Ministry of the Interior, in provincial (municipal city), or hsien (city), by the government of the province (municipal city), or hsien (city). (b) the discharge of the law for the punishment of police offences, which is done according to the 'Social Order Maintenance Act 1991'. This Act was passed by Parliament on 29 June 1991 and has been effective since 1 July 1991 (CDN 30 June 1991: 2; *Police Torch* August

1991: 4-30). This Act is to replace 'The Law for the Punishment of Police Offences'[6]. The Act has 94 Articles, and is divided into 'General Provisions' (1-32), 'Punishment Procedures' (33-62) 'Special Provisions' (63-91), and 'Appendix Provisions' (92-94). The aims of this Act are to maintain public order and protect social tranquility (Article 1). The police have investigation powers in all cases against this Act (Article 39). There are six kinds of principal punishments in the Act (Article 19): (1) Detention of not less than one day and not more than three days; if punishment is increased in accordance with law the period shall not exceed five days; (2) Prohibition of Business; (3) Suspension of Business not less than one day and not more than twenty days; (4) A fine of not less than 300 NT$ and not more than 30,000 NT$; if a fine is increased in accordance with law, the total amount shall not exceed 60,000 NT$; (5) Confiscation; (6) Written form or Verbal Admonition. For punishment by fining, confiscation and admonition, the police have the power to decide by themselves (Article 43), but for punishment by detention, prohibition of business, and suspension of business, the police must transfer this kind of case to a court. Article 63 states: 'A person who without reason fires a gun or disseminates rumours sufficient to affect public peace, shall be punished with detention of not more than three days or a fine of not more than 30,000 NT$.' The police have the power to investigate these kinds of cases, and after the investigation the police may decide the punishment if the punishment is a fine or of confiscation or admonition. But if the punishment is detention, or prohibition of business, or suspension of business, the police must transfer the cases to the court to be decided there. (c) according to 'The Code of Criminal Procedure' and other relevant codes to assist in the investigation of crimes, the execution of search, attachment, detention, and arrest. (d) according to 'The Law of Administrative Execution', the police may, whenever necessary, take direct or indirect compulsory measures in accordance with the provisions of this Law (Article 1). Indirect compulsory measures are 'Execution by Proxy' and 'Fine' (Article 2), and direct compulsory measures are 'Control Over Persons'; 'Seizure, Use, or Disposition of Things or Restriction on the Use Thereof'; and 'Trespass on Dwelling Houses or Other Places' (Article 6). For example, when a person intends to commit suicide, and their life cannot be protected unless by assuming control over them, then the police may do so. And where the life, body or property of a person is in imminent danger, which can be saved only by trespassing on their dwelling house, again the police can do so. (Kang 1971: 57-61; NPA 1988: 43-44). (e) according to 'The Act on

[6] "The Law for the Punishment of Police Offence" was promulgated on 3 September 1943, and the last amendment was on 21 October 1954. It was abolished when "The Social Order Maintenance Act 1991" became effective on 1 July 1991.

the Use of Police Weaponry 1985' the police are empowered to use police weapons. So, in Taiwan, use of weapons is one of the powers of the police. (f) To enforce police functions including public order, crime investigation, traffic control, fire-fighting, and foreign police affairs.

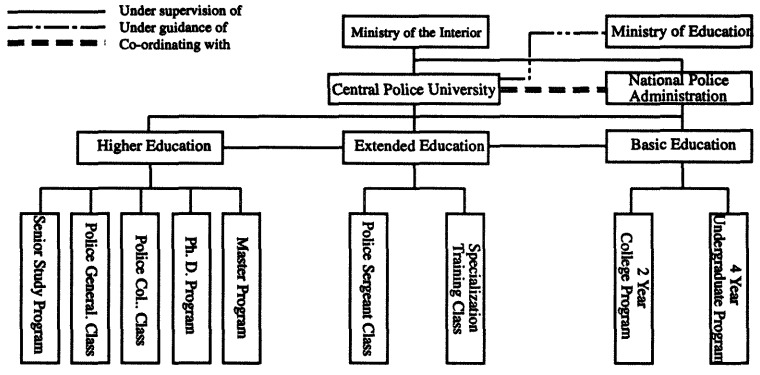
Police operations are differentiated primarily according to the varying nature of the police missions. Specialized police forces have their own tasks and different operational methods to achieve task objectives. For instance, detective police are responsible for criminal investigation and crime prevention and fire officers take the responsibility for fire fighting and prevention. However, general duties are mainly carried out by administrative police with the assistance of the specialized forces. Police operational routines can be divided into six areas, namely, patrol, guard duty, roster duty, raids, visits to residences, and standing by, all of which are performed daily and constantly. The entire police operational command system consists of three strata, namely, the NPA, city/county police bureau and police station. Each one has its own command and control centre working 24 hours a day. The centre must collect crime information on a daily basis and shape their particular operational strategies accordingly.

3.5 Police Training

Current Taiwanese police education is divided into three phases: Basic (Foundation) Training, Extended (Specialization) Training, and Higher Education. The Taiwan Police College (TPC) takes charge of the basic education of the ordinary policeman, and the CPU is responsible for the other parts of the police educational project. This constitutes an integrated police educational system (Liu 1986: 7; see Figure 3.6).

The TPC was formerly entitled the Taiwan Provincial Police Training Institute, which was established on 27 October 1945. On 1 April 1948, it was re-organised and entitled 'Taiwan Provincial Police Academy', and charged with the responsibility of regular police education for junior officers. The Police Education Statute had been amended to include junior college education in this academy, and was promulgated on 9 June 1982. The first students for junior college education were recruited in July 1982.

Figure 3.6: The Police Education System in Taiwan (ROC).



Souce: Central Police University, 1989c:3; Revised by the author..

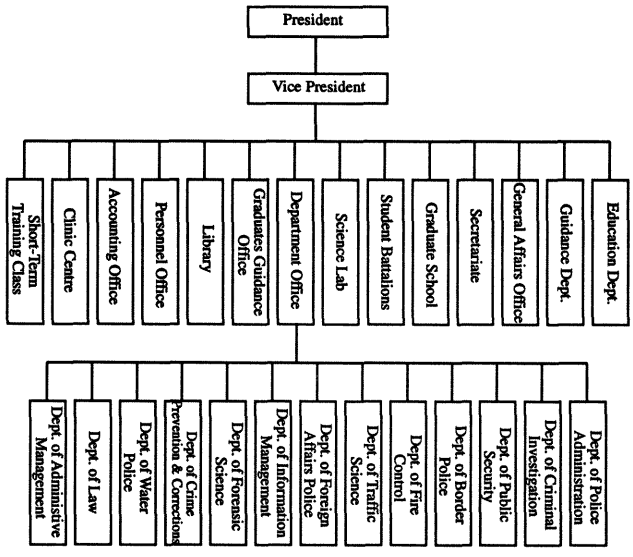
Since 1 July 1986, the Taiwan Provincial Police Academy has changed to the Taiwan Police Academy, which is attached to the NPA, in the Ministry of the Interior, charged with the responsibility of regular police education for junior officers of the Taiwan, Kinmen and Matsu area. On 16 April 1988, the Legislative Yuan passed the act of 'The Organisational Rules of the Taiwan Police College'. On 29 April the President of the R.O.C. announced the order and the Executive Yuan's approval, and on 15 June 1988, the 'Taiwan Police Academy' was formally reorganised into the 'TPC' (TPC 1989a:4).

The present Central Police University (CPU) is the result of integrating, in September 1936, several police educational institutions, i.e., the Police Affairs Academy, various provincial training schools, and the Senior Police Officer's School (CPC 1985:1). To emphasize the importance placed on police education, Chiang Kai-shek became the first President of the College in 1936. The school was located in Nanking and its two-year academic programme began to enrol graduates from senior high schools. The College was moved to Chungking during the early 1940s and returned to Nanking in 1945. Additional branch schools were established in Sian, Canton, Ta-hwa, Chungking, Peiping, Shengyang, and two police training classes were set up in Shanghai and Taipei.

After a brief period of time, the College was discontinued in 1950. However, in May 1954 the government reestablished the College in Taipei. By 1957 the College had expanded into an institution that granted a four-year Bachelor of Law

degree and during the 1960s it also started to enrol foreign students and offered professional training to policemen in the service. In the 1970s a graduate school of police administration was set up, offering a Master's degree; and the College was moved to its present site at Kweishan, Taoyuan. In 1985, the College moved further to establish a new educational system for current police personnel. Furthermore, the College is planning to set up a Ph.D class and change its name to the Central Police University by 1994 (CPU 1992: 30-35). Through continuous improvement and upgrading over past years, the CPU has reached a high standard of academic achievement, quality of teaching faculty and student bodies, and also facilities (CPU 1989c:1; see Figure 3.7).

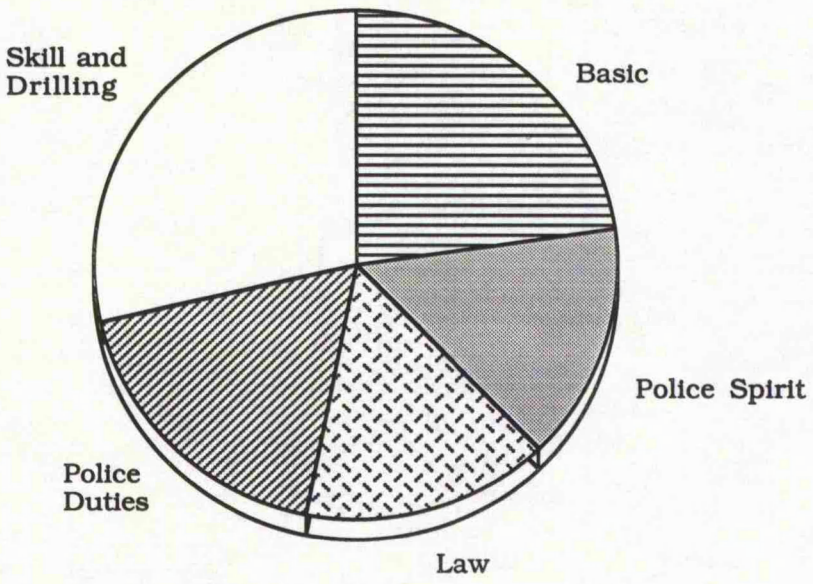
Figure 3.7: The Organisation of the Central Police University.



Source: Central Police University 1989c: 2; revised by the author

The basic programme for the ordinary police officer starts with recruitment via the exam for high school graduates and vocational school graduates or the equivalent. Upon successful graduation after 2 years, a junior college degree is awarded. The courses during the two-year educational programme are shown diagrammatically in Figure 3.8)

Figure 3.8 The courses of the two-year programme



Source: Taiwan Police College 1989b: 9

Some officers take a more basic one-year programme which includes a greater emphasis on police skills and drilling. Other officers take a four-year Bachelor's Degree at the Central Police University. Some are received from outside the police via exams for high school graduates and vocational school graduates. The four-year programme requires study of a broad range of topics including: history; literature; foreign languages; constitutional law; economics; sociology; political science; introduction to police science; police code; introduction to law; general psychology; general principles of criminal law; administrative law; criminal procedure; criminology; statistics; business writing; physical training; military training and police skills. (Becker 1988: 235-241; CPU 1989a). Candidates are also recruited from inside the police service through exams, although they must first complete two years police service after graduating from the Taiwan Police College (TPC). If successful, they can enter the four year police University Course in its second year.

The Central Police University also undertakes specialist training which can last from one week to several months. This training includes topics such as criminal investigation, maintenance of public order, security, personnel management and traffic policing. At the advanced level there are various courses which students may take including special courses for potential colonels and generals in the police and the advanced programme on police administration.

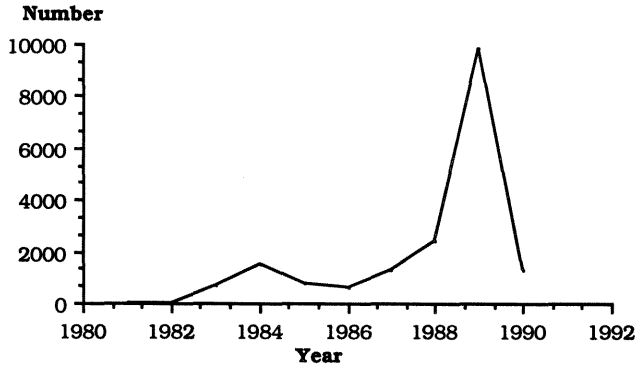
3.6 Current Challenges to Policing in Taiwan (ROC)

The economy, society and politics of Taiwan (ROC) have continued to change during the recent past and with these changes have come further challenges for the police. These challenges include problems concerning current challenges to policing in Taiwan (ROC), and are considered here under six different headings:

(i) The Increasing Use of Firearms

Taiwan is an island, the total length of the shoreline being 1,566 km (including the Penghu islands) (Hu 1991: 13-15), and as such it is vulnerable to smuggling, especially in guns. This has created a serious law and order problem, particularly since the lifting of Martial Law. Figure 3.9 gives some indicates of the extent of the problem. Before 1987, the main source for smuggling of firearms was the Philippines, although weapons also came from Thailand, Hong Kong, the United States, Spain, Germany, and Italy (*Police Torch* March 1991: 14-15). But since 1989, the main source for the smuggling of firearms has been mainland China (*Police Torch* September 1990: 12-16 and October 1990: 9-10). By 1991, the police had captured 1,543 firearms made in mainland China (*Police Torch* March 1991: 14-15). The types of firearms concerned are "Black Star" and "Red Star" revolvers which were responsible for 114 people, including 10 police officers, being killed during 1989 and 1990. Increased police cooperation between R.O.C. and mainland China since 1991 has resulted in an improvement in the ability to control this smuggling of firearms (*Police Torch* March 1991: 14-15).

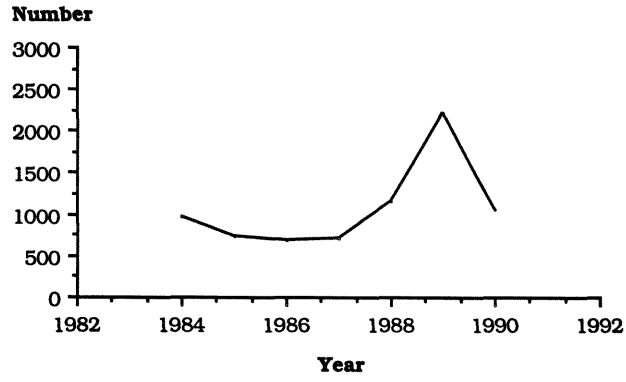
Figure 3.9 Illegal firearms captured by police in Taiwan (ROC) since 1981



Source: Police Torch November 1990: 19

The combination of illegal firearms and criminal gangs contributes to an increase in violent crimes. In 1984, the number of criminal cases involving illegal firearms reached a high point of 964 which caused increased concern and attention from the government. At the end of 1984, the government started to enforce the 'Crime Sweeping Movement' and this achieved good results with a reduction in crime involving illegal firearms during the following years. However, the lifting of Martial Law in July 1987 led to a consequent reduction in security levels at airports, ports and coastlines and subsequently firearms smuggling has become more serious than ever before. Since 1988, crimes involving illegal firearms have again increased and in 1989 the number reached 2,223 cases, of which the average is 6.6 cases per day (see Figure 3.10). The crime associated with the use of illegal firearms includes blackmail, extortion, kidnapping, and conspiracy. All of these affect the confidence of the people in the government, and can reduce the willingness to invest, increase emigration, and even involve the local elections and affect the formal democratic development of the country (Tang 1990a: 82-91). One example is the recently captured criminal Hung H. Y., one of Taiwan's ten most wanted gangsters. Before he was captured, his criminal group had committed nearly one hundred serious crimes: they had the run of the island and Hung said during the central and local elections in 1989, 'You'd better not run if you haven't received my nomination' (Tang 1990a: 82-91). Some of the candidates were murdered during the election (*Police Torch* September 1990: 37).

Figure 3.10 Crime involving firearms in Taiwan (ROC) since 1984

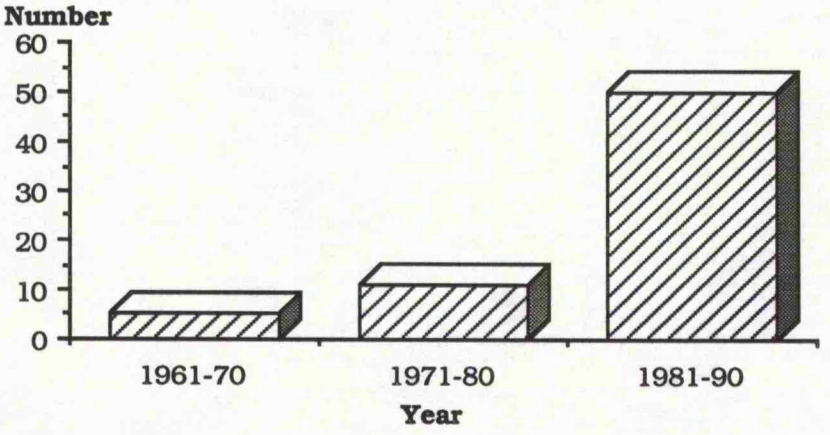


Source: Police Torch November 1990: 19

The growth in firearms has also let to a sharp increase in the member of police being murdered in the line of duty. For example, in the period 1961-1970,

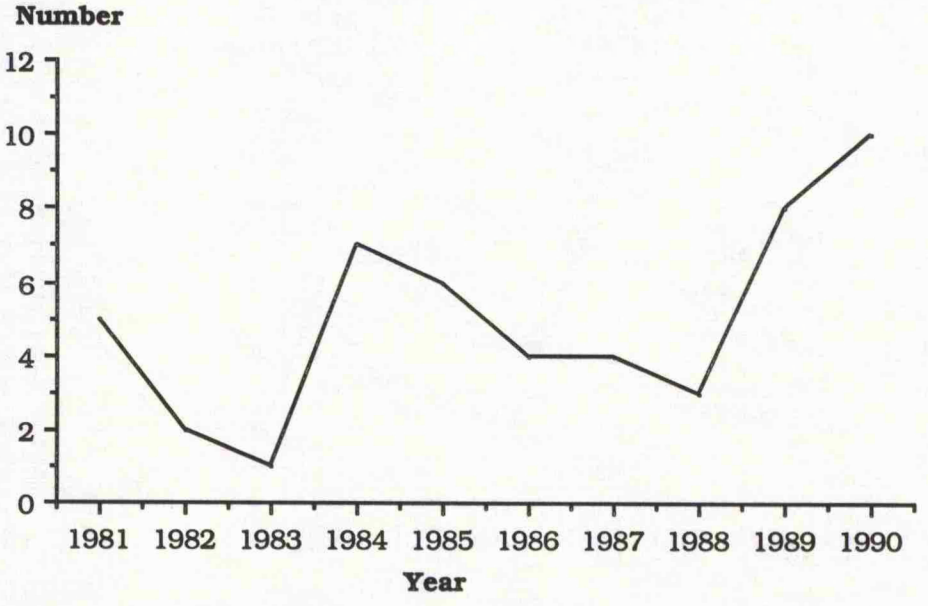
the number of police murdered was 5; from 1971-1980, it had increased to 11; and from 1981-1990, it had rapidly increased to 50; the average being 5 per year, which was 4.5 times that of 1971-1980, and 10 times that of 1961-1970 (see Figures 3.11 and 3.12).

Figure 3.11 The police officers murdered in Taiwan (ROC) in the three decades since 1961



Source: Police Torch December 1990: 35-37; Chen 1992: 35-37; Obtained by reviewing the NPA data, journals, newspapers – author

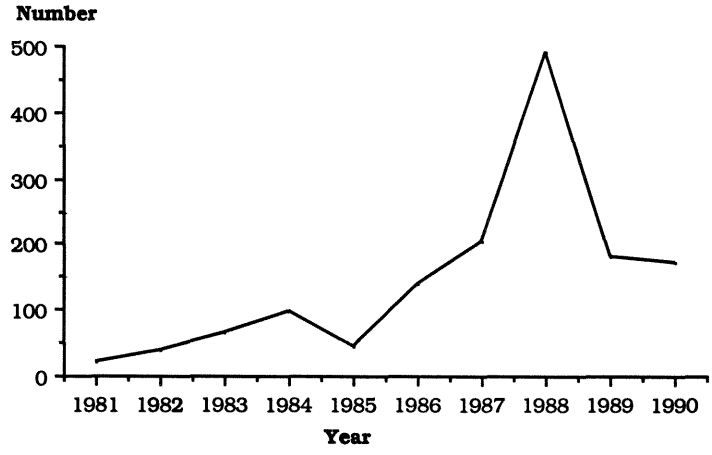
Figure 3.12 Police officers murdered in Taiwan (ROC) between 1981 and 1990



Source: Police Torch December 1990: 35-37; Chen 1992: 23-49 Obtained by reviewing the NPA data, journals, newspapers – author

The police in the earlier period were murdered with a number of implements including knives, rope, steel chairs, cloth, spears, cars, and firearms. During 1971-80, there were 11 police officers murdered, and 4 of them were murdered by firearms, which is 36.36%. However, during 1981-90, there were 50 police officers murdered, and 42 of them were murdered by firearms, which is a percentage of 84%. This not only reflected the seriousness of firearms smuggling, but also posed a serious threat to police security when on duty. Furthermore, the methods used by the gangs were more violent; some police officers were shot 5-10 times, and were shot in lethal areas, for example, in the head or chest. (Chen 1992: 23-49). Furthermore, the number of police injuries was also increasing, especially between 1987 and 1989 (see Figure 3.13).

Figure 3.13 Police officers injured in Taiwan (ROC) between 1981 and 1990



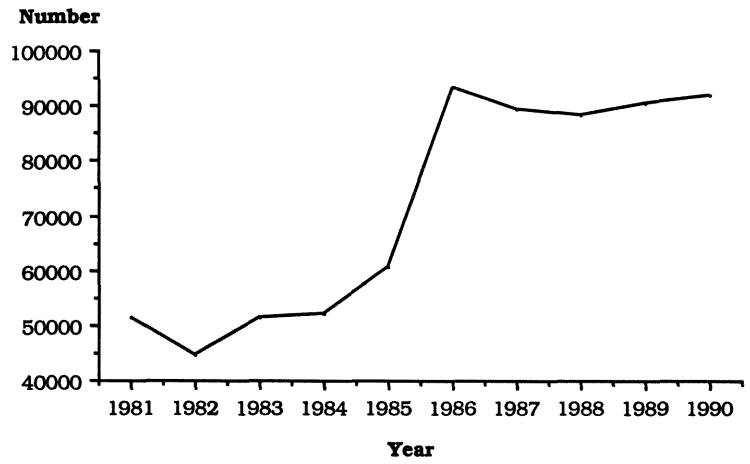
Source: Police Torch December 1990: 35-37; Obtained by reviewing the NPA data, journals, newspapers – author

(ii) The Growth in Crime

Crime is an unavoidable scourge of modern society. Its occurrence fluctuates with changes in social structure, population density, politics, economics, culture, education and other factors (CIB 1988: 17-53). In recent years, the GNP in Taiwan (ROC) has increased dramatically due to rapid industrialisation, but the result of this highly concentrated urbanisation process has been to enlarge the gap between rural and urban areas. The moral development of all the citizens has not

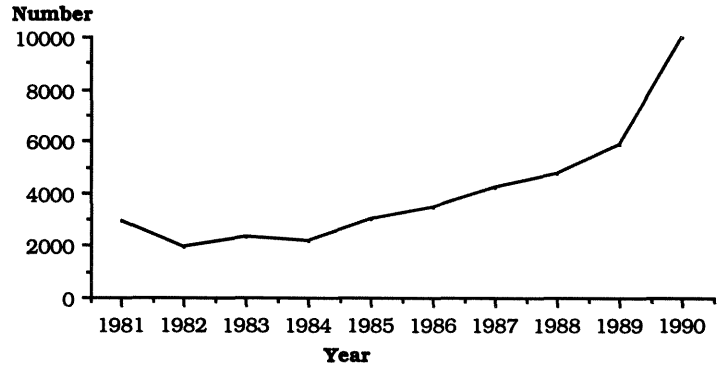
kept pace with the economic and social change. This economic change has resulted in serious social dislocation and criminal activities (Chou 1988: 13-14). The crime rate is rising almost every year, and the highest concern of the government and people is that violent crime[7] is rising every year (Tsai 1990: 1). Figure 3.14 and 3.15 give some indication of the extent of the problem:

Figure 3.14 Reported crime in Taiwan (ROC) since 1981



Source: Chang 1986: 1; Wu November 1991: 55-59; NPA 1991: 14; Obtained by reviewing the journals, newspapers – author

Figure 3.15 Violent crime in Taiwan (ROC) since 1981



Source: Chang 1986: 1; Police Torch February 1991: 4; Obtained by reviewing the NPA data, journals, newspapers – author

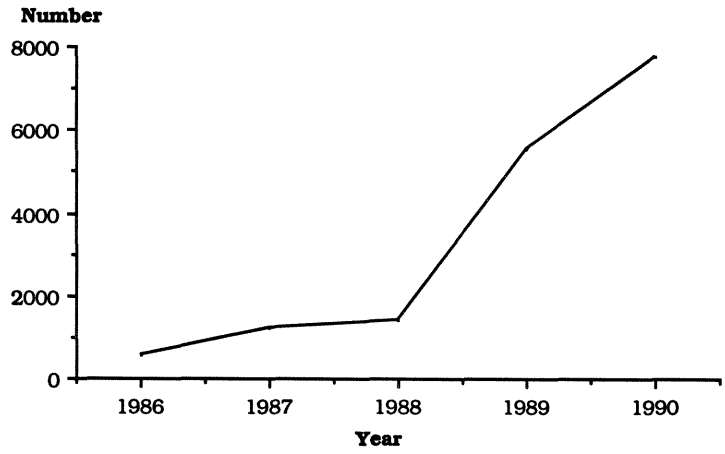
[7] Violent crime includes 'Intentional Killings', 'Robberies', 'Burglaries', 'Kidnapping for Ransom', and 'Rapes'.

As a consequence of the development of science and technology, the types and patterns of crimes, as well as the methods and means for committing crimes, have changed rapidly. Criminals also tend to be more diversified, organised, shrewd, and violent (*Police Torch* October 1990: 8). This is posing an even greater threat to public safety and security. The developments in communication technology in recent years have led to an increase in the number of trans-national or even trans-continental crimes and a diversification in their types and patterns. Criminals in Taiwan (ROC) have improved their *modus operandi* through mutual co-operation and connections between their gangs (Wu 1988: V-VII).

(iii) Threats to Public Order

During the last decade, particularly since Martial Law was lifted, there have been a considerable increase in the number of demonstrations, rallies and assemblies. The number of assemblies and demonstrations was 556 in 1986, an average of 1.6 every day, but by 1990 it had reached 7,770 cases or an average of about 20 rallies per day (see Figure 3.16).

Figure 3.16 Assembly and demonstration cases in Taiwan (ROC) since 1986

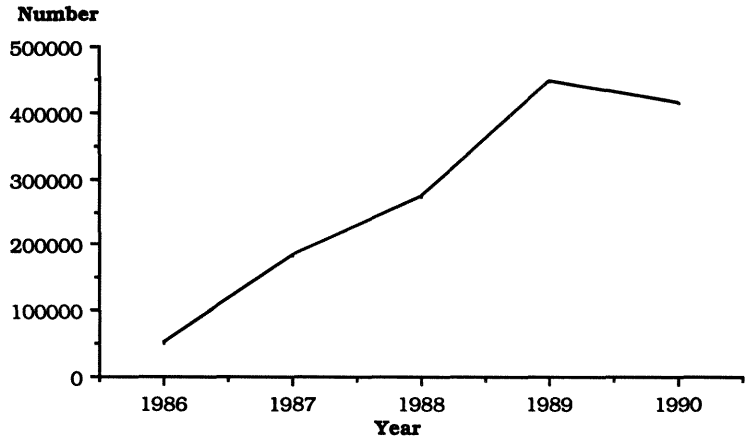


Source: Chen December 1990: 14-32; Huang September 1991: 20-28

In order to deal with these cases, the police deployed about 50,000 police officers in 1986. As Figure 3.17 indicates, this rose to 413,038 police officers in

1990 (Chen 1990: 14-32). This new demand on police resources greatly affected normal police duties, for example, crime prevention and investigation, and traffic control.

Figure 3.17 Police deployed in assembly and demonstration cases in Taiwan (ROC) since 1986



Source: Chen December 1990: 14-32; Huang September 1991: 20-28

Inevitably, this number of demonstrations has resulted in some conflicts between the police and members of the public and in some cases there have been serious injuries and even deaths. In 1989, 15 demonstrations involved such incidents, resulting in injuries to 13 members of the public and one death, and 131 injuries to police officers (Huang 1991: 20-28). The reasons for the assemblies and demonstrations include motives that are political, economic, social, and religious. However, The majority of the demonstrations are political[8] , and they tend to attract the largest numbers of people and are also those most likely to develop into riots. Before 1987, the reasons for these kinds of assembly and demonstration were demands such as 'Lifting of Martial Law', or 'Re-election of the three central parliaments'. More recently, the demands have been on topics such as 'Direct election for the President, and for the Governor of Taiwan Province, Mayor of Taipei and Kaohsiung Municipal city', or 'Reform or Reenactment of the Constitution', or 'Taiwan's Independence'.

[8] For example, there were 2,175 assembly and demonstration cases between January 1986 and January 1988. 1,674 of them were political, 320 of them were economic, 71 of them were religious, 120 of them were others.

The majority of the participants in the former demonstrations were farmers, labourers, opponents, and environment-protestors. Recently, there have been more university professors and students taking part in major demonstrations (CDN 17 May 1991: 2) and this makes it more difficult and complicated for the police to deal with them. A worrying development is the increased use of weapons, such as petrol bombs, in instances of public disorder. The 29 May 1990 was the first time a demonstrator used a petrol bomb to attack the police and several police officers were injured (*Police Torch* June 1990: 1). After that, demonstrators used petrol bombs to attack the police when demonstrations developed into riots. On 3 October 1991, one of the members of the anti-nuclear power plant demonstration drove his car directly into the riot police, which resulted in one police officer being killed and nearly 20 other police officers injured. This was the first police officer to be killed when dealing with this sort of incident since 1949 (CDN 5 October 1991: 1 and 7; *Police Torch* November 1991: 26-27).

(iv) Issues of Police Accountability

According to Articles 108, 109, 110, and 111 of the Constitution of the ROC, the central, provincial, and local governments share the power to control the police. But according to 'the Police Code' and 'the Organisation Code of the NPA', the NAP under the Ministry of the Interior is the highest police administration in the country. TPPA, TMPH, Kaohsiung Municipal Police Headquarters (KMPH), and all the local police bureau must receive leadership and supervision from the NPA. But TPPA, TMPH, KMPH, and all the local police bureau are only one department of the TPG, Taipei Municipal Government (TMG), Kaohsiung Municipal Government (KMG), and the local government. They receive direction and supervision from the NPA and they also receive leadership and supervision from the governor of the provincial and local government.

Recently, the governors of the TPG, TMG, and KMG have been appointed by the central government, because the director general of the NPA and nearly all the governors of this kind of government belong to the same party, so there are few disputes concerning the appointments of the police chief, high ranking officers and the police administration in this kind of government. But in local government, since 1950, the governor has been appointed by election. Before 1970, nearly all the governors of local government were controlled by the ruling party (the Nationalist Party), and there were few disputes concerning these appointments. But from the mid-1970s, the opposition party started to achieve victories in the local government

elections for governor, especially, in the local elections of 1988. The opposition party won six seats and they on each occasion rejected the appointment of the police chief and high ranking officers decided by the NPA. They also become involved with the local police administration which affected police operations. These issues of police accountability have caused controversy and uncertainty for the police.

(v) Increased Demands on the Police

As stipulated in Article 2 of the Police Code, the duty of the police of the ROC is to maintain public peace and order, keep society safe, prevent all danger and harm, and enhance the people's welfare. Among these, the first 3 items are the main duties, and the final one is a supplementary duty for the police to assist others in carrying out. Recently, there have been increased demands from other bodies for the police to assist them and this has adversely affected the resources available for the police to carry out their main duties. The NPA has subtracted 23 itemized police jobs from the original 45 in order to simplify police affairs and lessen the police's supplementary work. This is so the police can better concentrate their resources, and so public peace and order can be maintained with less difficulty. The problems caused by squatters, hawkers and litter have been transferred to the relevant bodies in charge, to be solved by them. At the present, 22 items of jobs are still assigned to the police, among them 14 main jobs[9] and 8 supplementary jobs[10] (Kou 1986: 9).

After the lifting of Martial Law in 1987, some duties originally taken charge of by other executive bodies were transferred to the police, for example, the entry service, the inspection of the harbours and airports, dealing with assembly and demonstration cases. This made the police busier than before. If compared with

9 The main jobs include 'criminal investigation'; 'traffic maintenance (control)'; 'security garrison'; 'prevention of fire and calamity'; 'civil defence'; 'social protection'; 'household registration'; 'entry and exit service'; 'contravention dealing'; 'foreign affairs'; 'economic police affairs'; 'specialised business administration (On 30 January 1985, the Executive Yuan issued specialised business administration improvement measures and exempted 10 trades from the 13 specialised business administration range, viz. dancing halls; night clubs; restaurants; bars; particular cafes; theatres; gambling houses and amusement arcades; hotels; workers employment services; and sculptor's shops; which were then dealt with by the Trade Registration Office. The police are now only responsible for investigating contravention, violation of law and persons suspected of wrongdoing)'; 'city appearance and advertisement administration'; and 'outside market illegal hawkers affairs'.

10 The supplementary jobs include 'summoned warrant keeping and sending', 'assist judicial organisation executing protection and control', 'illegal printed matter dealing', 'unidentified signals and signal shells and picked-up space', 'electricity line safety and material oil-pipe maintenance', 'inland river boats and rafts administration', 'cooperate with economy organisations to investigate and deal with counterfeit patent commodities and false labels'.

the police duties of some of the developed countries, the police duties of Taiwan (ROC) need to be simplified as soon as possible (*China Times* 18 October 1984: 2).

(vi) Questions of Police Discipline

The rise in economic prosperity and the failure of moral standards to keep pace have resulted in various of problems, and one of the worst is gambling. Lots of people take part themselves in Ta Chai Lou (a kind of lottery), the stock market, and illegal investment companies (*Police Torch* October 1987: 39-47; *China Times* 16 August 1990: 34-35). All of them hope to get rich overnight through this speculation. The police come from the general population and live in the society and have consequently been caught up in the speculation fever. A series of police unlawful activities cases have come to light including instances of police offering firearms to criminal groups, and taking part in bank robberies, blackmail, and the murder of police officers (*Taiwan Times* 7 October 1984: 3; *China Times* 7 October 1984: 5; *Journal of Times* 24 October 1984: 18-19; *Police Torch* June 1986: 1 and 14-23); taking part in kidnapping and murder cases (CDN 16 November 1990: 7); committing rape and murder cases (*China Times* 12 September 1991: 3); taking bribes (*China Times* 12 September 1991: 3); killing their colleagues using police firearms (CDN 22 November 1990: 7; *Police Torch* March 1991: 42-45); and taking things from criminals by illegal means (CDN 19 October 1990: 7 and 15 November 1990: 2).

All these cases were widely reported by the mass media. Although there were only a few police committing the crimes, the image and status of the police has been badly affected. Obviously, it is important that the police should be seen as honest, trustworthy and law-abiding and the series of cases of illegal activities and corruption have seriously affected confidence in the police and their social standing. One problem has been the quality of recruits taken into the police in 1988 and 1989 after the lifting of Martial Law when there was a greatly increased need for additional police officers. The sudden upsurge in police recruits seems to have adversely affected selection and training effectiveness and there are now problems of maintaining police discipline at a satisfactory level.

According to the statistical data, from September 1986 to August 1991, 24 police officers committed suicide in Taiwan (ROC). The average is 5 per year (*Police Torch* October 1991: 52). But between 9 August 1990 and 9 September 1991, there were 9 police officers who committed suicide in three months, and six of them committed suicide using police firearms (*China Times* 16 September 1991: 7). This

not only causes great concern to the NPA, but also attracts concern from central government and the whole society.

3.7 Summary

The problems that the police are facing reflect the problems of the whole society. Besides reform of the police, the government will try its best to improve the politics, economy, education, culture, and other elements of the whole country, hopefully to improve the current social problems.

As already indicated, over the past four decades Taiwan (ROC) has experienced remarkable economic success and a spectacular rise in its material standard of living. More recently, however, amid rising prosperity and affluence, there have been signs of imbalance and dislocation, including traffic congestion, environmental pollution, a lack of cultural and recreational facilities, and especially rising levels of crime.

The economic imbalance and social dislocation are largely a result of insufficient investment in public amenities and facilities especially in the areas of transportation, culture, and education. Development in these areas has failed to keep pace with economic development. This indicates a need for comprehensive integrated planning to accelerate the nation's modernization process. The Six-Year National Development Plan, a comprehensive, forward-looking blueprint for national development, seeks to address that need. The key policy goals of this plan include raising national income, providing sufficient resources for continued industrial growth, promoting the balanced development of various regions, and raising the national quality of life (CDN 28 February 1991: 8). The contents of this plan include looking at: agriculture, forestry and fisheries; irrigation, water conservation and flood control; transportation and communications; urban development and housing; tourism and recreation; culture and education; science and technology; energy development; the manufacturing industrial sector; the service industrial sector; environmental protection; public health; social welfare and security. This plan is investing about 8,238.23 billion NT$ dollars (about £179.1 billion or US$303 billion), and is being implemented from 1 July 1991 to 30 June 1997 (Hu 1991: 69 and 585-587).

Although the Six-Year National Development Plan is concerned with economic growth and expansion of the infrastructure, it places even greater

emphasis on balanced regional development and the development of the means needed to upgrade the overall quality of national life, with special attention given to industrial and educational facilities and to cultural, social, and leisure-time activities. Through this plan, Taiwan (ROC) can potentially rebuild social and economic order and promote balanced overall development to attain developed national status. When it is accomplished, the people may enjoy a life much richer in culture art and humanity, as well as material goods (GIO 1991: 13-14).

Alongside these developments, the 'Programme of Continual Police Construction' is continuing to be implemented. This plan invested nearly 4 billion NT$ dollars (about £1 billion) and will gradually be accomplished in stages over five years from 1 July 1990 to 30 June 1995. The contents still continue to concentrate on improving police organisation, education and training, pay and welfare, preserving police morale, and correcting discipline, strengthening police equipment, implements, and materials, and regulating and reviewing police law, codes, and order. In terms of crime investigation and prevention, it is essential to start by improving the equipment of the criminal investigation police. The police administration has already moved to increase personnel, and to buy advanced criminology equipment, vehicles, and weapons. Most importantly, the priority of this plan will be to provide new weaponry and communications equipment. This is the aspect of strengthening combat capability (*Police Torch* February 1991: 34-39).

With the economy prospering, and politics becoming more open, free, and democratic, there is a good environment for police development. Additionally, the government emphasises police modernization, and is investing a lot of money in the National Development Plan and police reforms. Police development in Taiwan (ROC) continues to prosper but is faced by old and new challenges, of which the growth in the use of firearms is the most threating.

CHAPTER 4

A Survey of the Police in England and Wales before 1964

The 'modern' police was founded in 1829 in London, and after 164 years' development, its organisation, training, image, operation, and efficiency, and the relations between the police and the public, have established an enviable reputation throughout the world. There are over 70 British police officers serving as advisers in 31 countries around the world, from drug-busting in the Cayman Islands and fraud investigation in Montserrat to mounted police training in Singapore (*The Times*, 21 December 1989: 12). It is valuable for an analysis to study how developments have occurred and how reforms were made over nearly 17 decades. In this chapter we make a survey of the police in England and Wales up until 1964. This date we regard as a landmark for the police in England and Wales.

4.1 A Brief Police History Up to 1829

In Anglo-Saxon times, all males in the community between 12 and 60 years old were responsible for seeing that the law was not broken, and if it was they were obliged to try to catch the offenders. Groups were formed comprising 10 families; and each group was called a tything (the head of the tything was a tythingman). Each member of the tything was held responsible for the behaviour of the others. If one member of the group committed a crime, the others were responsible for catching him and bringing him before the court. If they failed to do so, they were all punished. The tythingman could be seen as an early ancestor of the policeman, as it was his duty to see that the King's Peace was kept. If anyone witnessed a crime, under the supervision of the tythingman, the men joined together in a hue and cry to catch the criminal and bring him to trial before the court (Lee 1901: 4-5; Lambert 1986: 20-23).

While England was occupied by the Normans, many Anglo-Saxon law-keeping ways were maintained, such as the system of tythings, and the hundred courts and sheriff courts. Later, the authority of the sheriff was taken over by the local lord of the manor, and much of the work of the hundred courts was taken over by the manor court, or court leet. Each year the manor court or court leet chose manor officers: the constable, the ale-taster, the swine-ringer, the

bread-weigher. The most important officer was the constable, whose job it was to help the lord of manor keep the King's Peace. He had to report villagers' behaviour to the courts, arrest criminals, call on help when necessary and guard them until their trial. The tasks were similar to that of the policeman today except that he was unpaid (Howard 1953: 21-44; Home Office 1976: 3).

In 1285 a new law was made 'to abate the power of felons'. It was called the Statute of Winchester and was passed under Edward I (Ascoli 1979: 16). There were many principles in this Statute (Critchley 1967: 7). Firstly, it was the duty of everyone to maintain the King's peace, and it was open to any citizen to arrest an offender; secondly, the unpaid, part-time constable was an obligatory special duty, and in the towns he was assisted in this duty by his inferior officer, the watchman; thirdly, if the offender was not caught red-handed he would raise the alarm for help; fourthly, everyone was obliged to keep arms with which to follow the cry when required; and finally, it was the duty of the constable to present the offender to the court leet. This also marked the emergence of a distinction between town and rural policing. In the Middle Ages, most towns had walls around them and the gates were closed at night, guarded by watchmen who would question any stranger. Any suspicious visitors would be handed to the constable in the morning, and taken to court (Home Office 1976: 5).

In 1361, the Justice of the Peace Act was passed by Edward III's Parliament. Under this Act, men called 'Justices of the Peace', could issue a warrant for someone's arrest on well-founded suspicion. Usually the warrant was given to the constable who would arrest the suspect and take him to the Justice's court. The justices and constables were still unpaid. Justices still work as magistrates today (Home Office 1976: 5). The Statute of Winchester and the Justice of the Peace Act marked the transition from an early feudal means of law enforcement, frankpledge, into a rudimentary police system which worked by cooperation between the constable and justice (Critchley 1967: 7-8).

At the beginning of the Tudor period, the constable was appointed by the vestry or the town council. He was still unpaid and wore no uniform except for his official staff. He was an ordinary citizen chosen to do a special job. The constable's duties were not popular and were increasing and many constables were unhappy and their duties were so time-consuming that the job was often not carried out satisfactorily. Well-to-do citizens began to pay others to carry out the duties of a constable (Lee 1901: 83; Howard 1953: 45-59).

In 1663, an Act was passed by the Court of Common Council, which permitted the City of London to employ 1,000 paid watchmen, or bellmen, to guard the streets at night (Lee 1901: 133; Speed 1968: 23-24). Because of the tiny sum paid, however, they could only find men who were too old or too decrepit to do any other kind of work (Home Office 1976: 6). In spite of the fact that they were so inefficient, the Charlies (the nickname of the watchman, so called in memory of King Charles II) of London were probably the most effective night police force anywhere in the country until the end of the 18th century (Critchley 1967: 30). For many centuries, the Justice of the Peace, the constable and the watchmen were together responsible for keeping law and order in England (Home Office 1976: 6).

During the Industrial Revolution, England changed from being a predominantly farming economy to an industrial country. Thousands of people left the countryside and poured into the towns to look for work or to seek their fortunes (Home Office 1976: 7). For example, during the eighteenth century the population of the London doubled from 500,000 to 1,000,000, but the working class remained for the most part crowded into a vast warren of slums in the area around the Strand and Fleet Street (Ascoli 1979: 29). Due to industrialisation and urbanisation, law and order began to seriously break down in England, especially in the larger towns such as Manchester, and Birmingham. By far the largest town was London. The City of London, only about one square mile, had organised its constables and watchmen reasonably well. But outside the City of London it crime growing quickly, yet the only guards were parish constables, sometimes assisted by local watchmen at night (Home Office 1976: 7-8). In December 1748, Mr Henry Fielding became Chief Magistrate of Westminster, at his office in Bow Street, near Covent Garden. He was aware that London needed a more permanent and efficient force than the existing local constables and watchmen (Howard 1953: 90-96; Ascoli 1979: 36-37; Stead 1985: 20-24) and he and his blind half-brother, John Fielding and his successors instigated some remarkable reforms concerning local constables and watchmen.

In 1750, with the help of a government grant, six house holders were recruited to serve as constables. They still wore no uniform, but were paid a salary for this now full-time job. The small force became known as 'Mr Fielding's people' or 'Mr Fielding's Men' and later became known as the 'thief takers' and 'Bow Street Runners' (Palmer 1988: 78; McKenzie and Gallagher 1989: 13; Chiang 1990b: 62). By the end of the 18th century, the Bow Street

Runners had increased to about 70 strong, and in the spring of 1792, the Middlesex Justices Act was passed with the support of Pitt's Government, with the purpose of ending the age-old scandal of magisterial corruption in London (Ascoli 1979: 50). The Act created seven new magistrates' offices in the capital. In addition to the Bow Street Office, each magistrates' office appointed three paid magistrates and six full-time and paid constables who had the authority to make arrests when *suspicious* of crime, and not just *after* the crime had been committed (Lee 1901: 171-175; Palmer 1988: 117-118). In the early 19th century, the new towns continued to grow at an alarming rate and were becoming ungovernable. The government tried and failed on several occasions to persuade Parliament to set up a new police force and increase police manpower in London. (Critchley 1967: 46; Reiner 1985: 13).

In order to extract information from the public, Henry Fielding published descriptions of criminals and of crime in *The Covent Garden Journal.* After John Fielding took over as Chief Magistrate in 1754, he extended the publication of news about crime and descriptions of criminals in *The Quarterly Pursuit of Criminals, The Weekly Pursuit* and with an occasional supplement, *The Extraordinary Pursuit,* which were sent all round London and the home counties, and exhibited in inns, on church doors and other public places (Critchley 1967: 32-33; Stead 1985: 25).

In 1763, an eight-man Bow Street Horse patrol was organised by the now Sir John Fielding, but due to financial problems it was disbanded in 1764 (Critchley 1967: 34). It was revived in 1805 by the Chief Magistrate, Sir Richard Ford and fifty-four former cavalry troopers were recruited. Their chief duty was to patrol the main roads out of London and to keep them free of highwaymen; for this purpose they were armed with a pistol, a cutlass and a truncheon. They were nicknamed 'Robin Redbreasts'. A few years later, the Horse Patrol was strengthened by a branch of about 100 men, called the 'Unmounted Horse Patrol'. Both branches of the Bow Street Horse Patrol came under the Home Secretary. They were the first uniformed police in Britain and became part of the Metropolitan Police Force in 1836 (Metropolitan Police: Mounted Police). Furthermore, in 1822 a day-time patrol of about 27 men was set up to prevent daylight robberies and other suspicious goings-on during the day. This was an outcome of a recommendation by a Parliamentary Committee of 1822 under the chairmanship of Sir Robert Peel (Critchley 1967: 44; Home Office 1976: 12).

The River Thames was one of the richest areas for theft during the 18th and 19th centuries. Thousands of pounds worth of goods were stolen each year. John Harriot (a sea captain) and Patrick Colquhoun (a London magistrate) devised a scheme to police the River Thames and the wharves along its banks which was started in 1800 with a force of 60 paid men. The Headquarters were at Wapping New Stairs. They became the first and largest regular professional police in London during that time (Home Office 1976: 11; Chiang 1991b: 15) and in 1839, became part of the Metropolitan Police Force[1].

4.2 The Police Between 1829 and 1856

In 1829, the modern police, set-up in accordance with a law passed by Parliament, was a bureaucratic organisation of professionals: full-time, uniformed, paid by the government, and trained prior to working. They began in London, and spread gradually to all of England and Wales

The Metropolitan Police Improvement Bill was introduced by Peel into Parliament on 15 April 1829, and met with little opposition and scarcely any debate and became law—The Metropolitan Police Act, on 19 June 1829. Under this Act, the Force officially came into existence on 30 September 1829. The first 1,000 officers of the Metropolitan Police were grouped into six Divisions and were controlled from a central office situated at No.4 Whitehall Place which backed on to a courtyard called Scotland Yard. In order to lead the force, Peel appointed two Justices of the Peace—they were Colonel Sir Charles Rowan and Richard Mayne. They were not officially called 'Commissioners of the Police of the Metropolis' until another Police Act was passed in 1839[2]. Peel also appointed a Receiver, John Wray, whose job it was to manage the finances of the police and their supplies. In 1830, it was decided to divide the Metropolitan district into 17 Divisions, each containing 165 men. The strength of the Force had increased to over 3,000. Each division was led by a 'superintendent', under whom were four inspectors, sixteen sergeants and 144 constables. Some of the most important instructions of the new police force were as follows:

> It should be understood at the outset, that the principal object to be attained is the prevention of crime. 'To this great end every effort of the

[1] New Scotland Yard: Facts About The Metropolitan Police-Thames Division; see also An Act for further improving the police in and near the Metropolis 1839 (V).

[2] An Act for Further Improving the Police in and near the Metropolis 1839.

> police is to be directed. The security of persons and property and the preservation of a police establishment will thus be better effected than by the detection and punishment of the offender after he has succeeded in committing crime...
>
> He (the constable) will be civil and obliging to all people of every rank and class.
>
> He must be particularly cautious not to interfere idly or unnecessarily in order to make a display of his authority; when required to act, he will do so with decision and boldness; on all occasions he may expect to receive the fullest support in the proper exercise of his authority. He must remember that there is no qualification so indispensable to a police-officer as a perfect command of temper, never suffering himself to be moved in the slightest degree by any language or threats that may be used; if he does his duty in a quiet and determined manner, such conduct will probably excite the well-disposed of the bystanders to assist him, if he requires them.
>
> In the novelty of the present establishment, particular care is to be taken that the constables of the police do not form false notions of their duties and powers.
>
> The primary object of an efficient Police is the prevention of crime; the next that of detection and punishment of offenders if crime is committed. To these ends all the efforts of Police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime will alone prove whether those efforts have been successful, and whether those objects for which the police were appointed have been attained (Critchley 1967: 51-53; Home Office 1976: 16).

The Municipal Corporations Act was passed on 9 September 1835[3] and applied to 178 boroughs in England and Wales which had been granted charters of self-government by successive sovereigns. Municipal corporations were to be set up in the boroughs, and a town council was to be elected by popular franchise (The Act (LXXVI); Jefferson and Grimshaw 1984: 29-31). The 1835 Municipal Corporations Act required the new councils to form a 'watch committee', made up of councillors and the mayor (who had to be a justice). In turn, the watch committee had to: firstly, appoint a 'sufficient number of fit men' as constables to preserve the peace, prevent robberies and other crimes, and catch offenders (at the rate-payers' expense) (The Act (LXXVI)); secondly, frame regulations to prevent 'neglect or abuse' and to make constables efficient (The Act (LXXVII)); and thirdly, suspend or dismiss any constable who they considered negligent or otherwise unfit to be a constable, a power also held by any two justices (The Act (LXXVII)).

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[3] An Act to provide for the Regulation of Municipal Corporations in England and Wales 1835.

The first town councils were elected in December 1835, and in most places they appointed watch committees in January or February 1836. However, in 1837, only about half the boroughs (93 of 178) had set up police forces, and even by 1845 there remained more than thirty boroughs which had not done so (Critchley 1967: 67). By 1853, thirteen municipal boroughs had not set up police forces at all, (Palmer 1988: 400) and of those that had, the majority failed to appoint a sufficient number of policemen (Critchley 1967: 67), owing to central government not having the power to compel them.

The County Police Act was passed on 27 August 1839[4] and regulated that each county Quarter Session was left to decide whether or not to adopt the new force (The Act (I)). The ratio of police to civilians was not more than one constable per 1,000 of the population, and by appointing the County Chief Constable and Magistrates, they were granted greater flexibility in concentrating forces in particular divisions of a county (The Act (I) and (II)). Incorporated towns within counties were excluded. The entire cost of the county police would be paid by the county rates. The powers of the Home Secretary held a general right to grant or refuse approval of all of the arrangements made by the Magistrate and to make the rules and regulations for the forces (The Act (III) and (IV); Martin and Wilson: 1969: 9; Jefferson and Grimshaw 1984: 31).

The Act did not require the magistrates to establish a force, however, and only half the counties in England and Wales chose to do so by 1856 (twenty-eight out of fifty-six); eight adopted the Act in 1839, twelve in 1840, four in 1841 and four more between 1842 and 1856 (Critchley 1967: 89). The remainder continued to rely on unpaid amateur parish constables.

The County and Borough Police Act was passed on 21 July 1856[5]. The aims of the Act were to increase the uniformity and efficiency of the different police offices and to enhance the control of the Home Office (Spencer 1985: 15). Some of the most important regulations of this Act were as follows:

(i) It required magistrates in all counties to maintain a police force (The Act (I)).

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4 An Act for the Establishment of County and District Constables by the Authority of Justices of the Peace 1839.

5 An Act to render more effectual the Police in Counties and Boroughs in England and Wales 1856.

(ii) It required the justices (of every county) and watch committees (of every borough) to report annually to the Home Secretary on the number of offences reported in their area, the number of arrests, the nature of the charges, the results of proceedings, etc., a summary of which would be laid before Parliament (The Act (II)).

(iii) It empowered the Home Secretary to appoint three inspectors to visit county and borough forces to assess their efficiency and report to him, the reports being laid before Parliament (The Act (XV)). The HMIs themselves had to devise the criteria for evaluating the efficiency of a force; the strength of the force; the ratio of officers to population; the quality of supervision; and the degree of co-operation given to neighbouring forces. In the winter of 1856 and spring of 1857, all forces were inspected, and the results were eye-opening (Steedman 1984: 38-47; *Police Review* 26 July 1991: 1521). The inspectorate was given no authority to inspect the Metropolitan Police however; an anomaly which persists today (Spencer 1985: 16).

(iv) It empowered central government to pay one quarter of the cost of the pay and clothing of local forces if the inspectors judged them efficient (The Act (XVI)). Forces serving a population of under 5,000 would not be eligible (The Act (XVII)).

At first only seven out of the 59 county forces qualified for the government grant, and it was not until 1861-62 that the last county, Rutlandshire, finally gained its grant. The first Inspectors' Report showed that by September 1857 there were 237 forces in England and Wales (Critchley 1967: 119; Home Office 1976: 18). When county councils were created in 1888, they each formed a standing joint committee; a group of people responsible for running the county police force (Home Office 1977).

4.3 Analysis of the Formation of the Police in England and Wales Between 1829 and 1856

This section will look at the establishment of the British police, their history and the public reaction to them during the early stages of their development up to the passing of the County and Borough Police Act in 1856.

(i) The successful Establishment of the Modern Police

The year of 1829 was very important and the turning point for modern police development in England. It constituted the successful transition from the era of parish constables and watchmen to that of professional policing.

At the end of the 17th century, with the corruption and inefficiency of constables and justices and the breakdown of law and order, the citizens of London were threatened by criminals, mobs, gangs, and the 'dangerous classes' (Bordua 1967: 3). It was under such conditions that Daniel Defoe dedicated a pamphlet on crime to the Lord Mayor of London: 'The Whole City, My Lord, is alarm'd and uneasy; Wickedness has got such a Head, and the Robbers and Insolence of the Night are such, that the Citizens are no longer secure within their own Walls, or safe even in passing their streets, but are robbed, insulted and abused, even at their own Doors....' (Bordua 1967: 1). In 1743 the poet Shenstone wrote that London was 'really dangerous...; pickpockets...made no scruple to knock people down with bludgeons in Fleet Street and the Strand.' In 1752 Horace Walpole said 'one is forced to travel, even at noon, as if one were going to battle' (Home Office 1976: 8). This resulted in the collapse of the old system and an urgent need to find a substitute in order to maintain law and order. This also resulted in a fall in confidence of the parish constables and watchmen. By 1829 the fears of disorder, political agitation and crime-concern about the 'dangerous classes' in general had grown sufficiently widespread to persuade a majority of parliamentarians to give their assent to Robert Peel's Metropolitan Police Act (Benyon and Bourn 1986: 5).

The First Industrial Revolution took place at the end of the 18th century and the beginning of the 19th century, and was mostly concentrated in England. More and more factories were using machinery instead of men, and this added to the growth in unemployment. The industrialisation and urbanisation greatly influenced England's politics, society, economy, and culture. Thousands of soldiers returned from the war against Napoleon in 1815 needing jobs and homes. The seriously high levels of unemployment led to the outbreak of social unrest and riots and added to the fear of crime and mob disorder.

There were a large number of riots and large meetings at the end of the 18th century and the beginning of the 19th century, the most serious of them being the Gordon Riots of 1780, and the 'Peterloo Massacre' of 1819. The Gordon Riots lasted for six days and resulted in 700 deaths and untold damage to

property. The Bow Street Magistrate's office was also sacked during this riot (Howard 1953: 110-112). During the Gordon Riots of 1780, London was taken over by the mob and even the military were initially powerless to intervene (Lambert 1986: 23-24). The 'Peterloo Massacre' occurred in the summer of 1819, when a crowd of 60,000 people gathered in St. Peter's Field in Manchester to listen to a famous orator, Henry Hunt. Mounted Yeomanry were ordered by the local magistrates to arrest Hunt, but instead they turned upon the crowd. It resulted in 11 deaths and 400 injured, one hundred of whom were women (Palmer 1988: 185-189). When these riots or large meetings became serious, the army was called in to deal with the situation. They did not patrol regularly, and when called into action, often used more violence than was necessary. After these riots, although many still felt that a strong police force may interfere with their freedom and private life, both the government and the people of London realised that a better alternative to troops as a peace keeping force was needed.

Up to the year 1829, several people had contributed greatly to the development of the police and had paved the way for the development of the modern police in the future. Some of the most famous pioneers were Henry and John Fielding, who set up the Bow Street Runners in 1750, and Patrick Colquhoun, who set up the Thames River police in 1800. By 1828 the Home Secretary controlled about 450 policemen in London, including the River Police, the Bow Street force, foot patrols and nine police offices. Their efficiency was recognised and appreciated by the public. Another influential person was Jeremy Bentham, who proposed in his Constitutional Code the creation of a completely centralised preventive police system under the control of the government (Critchley 1967: 46). This sort of thinking greatly affected the public. Through the developments led by Henry and John Fielding, and then Patrick Colquhoun and Bentham, the fundamental basis of the modern police was established.

Robert Peel, who was a former Chief Secretary in Ireland and who set up a new police force in Ireland in 1814, became British Home Secretary in 1822 (Palmer 1988: 193-236; Chiang 1990b: 63). He believed in preventative methods of crime control rather than punishment after the criminal offence. He was a politician of great skill, eloquence, and communication, and encouraged where possible, political conciliation (Chiang 1991b: 15). He also carried out police reforms with great caution, taking care not to arouse peoples' fears. He wanted to show people that 'liberty does not consist in having your houses robbed by organised gangs of thieves, and in leaving the principal streets of London in the

nightly possession of drunken women and vagabonds' (Ascoli 1978: 32). The Metropolitan Police Act was passed smoothly on 19 June 1829. However Peel had excluded the City from his plans, in return for which it seems probable that the Whigs undertook to give the Bill an easy passage (Critchley 1967: 50). In 1829, London was a mixture of small parish councils and local authorities, and the only powerful body was the City of London, run by a strong group of businessmen and landowners known as the Common Council, who rejected any suggestion that the City should be incorporated into a Metropolitan Police District (Oliver 1987: 170). The old City of London was left to go its own way and reorganised its police under its own Act in 1839[6]. According to Phillips:

> Critchley believed that the government had made a deal with the Whig opposition, so excluding the City in return for the guarantee of a smooth passage for the Bill through parliament. Others have argued that Robert Peel was unwilling to override ancient charters, but they ignore the fact that the City Fathers had gone to great lengths in the years after the close of the Napoleonic wars to make their policing arrangements efficient, spending some £55,000 for the purpose in 1828, and encouraging the East India Company and West Indian merchants to protect their shipping and riverside warehouses against systematic theft. They considered that their own system, keeping policing under the magistrates, was superior, and fully backed Sir Frederick Roe, the senior Bow Street magistrate, in his long campaign against the new police commissioners, Rowan and Mayne, almost bringing them to the point of resignation (Phillips 1985: 297).

The Duke of Wellington, who was the Prime Minister in 1829 had, ever since the shock of the 'Peterloo Massacre' in 1819, preferred to entrust the maintenance of law and order to professional police rather than soldiers. He gave Peel full support concerning the setting up of the 'New Police' (Speed 1968: 38; Stead 1985: 35; Palmer 1988: 291-309).

According to historical data, France established its modern police in 1544 and from then on, there were several urban, district and national police forces set up, for example, Paris (1667), St. Petersburg (1718), Berlin (1742), Vienna (1751), Belgium (1795), Holland (1810), Austria and Prussia (1812), Ireland (1814), Piedmont and Italy (1814), Russia (1826) (Palmer 1988:17). The London Metropolitan Police was set up in 1829 and may have been affected by this world trend. However when the Metropolitan Police was set up, its police organisation, police training, efficiency, management, image, relations between police and public became the model for other countries. Many countries saw the

6 An Act for regulating the Police in the City of London, passed on 17 August 1839.

Metropolitan Police as their role model and reformed their own police accordingly.

(ii) Acceptance by the Public

In the early days of the modern police, the public were wary of interference with their private life and freedom, the government using the police as spies, or the force being made up of tyrants. The public did not believe that the police could help and protect them as well as keep order without bloodshed (Palmer 1988: 303-304). The parish constables and watchmen, with their rights being replaced by the modern police, resented the new police (Critchley 1967: 54). Furthermore, due to the problems of police budgets (paid by the parishes of London), police supervision (controlled by the Home Secretary), quality of police recruits (in 1832, it recruited 3,185, 1,154 of them were labourers, (36.2%)) (Palmer 1988: 565); police discipline (drunkenness or misconduct), police systems and conditions of service (pay, shift system, management) (Palmer 1988: 300-301), the new police were not very popular. When Peel's new police appeared on the streets of London in September 1829, they were seen as a cross between a grave threat to liberty and a bad joke (Purcell 1974: xviii). Londoners regarded them with hostility or derision, and they were called 'Peel's Bloody Gang', 'Blue Devils', 'Raw Lobsters', 'Peelers', 'bobbies', 'The Unboiled', 'Crushers', 'Blue Locusts', 'Jenny Darbies', 'Blue Drones' (Critchley 1967: 53; Reiner 1985: 48). After years' of hard work by Robert Peel, Charles Rowan, Richard Mayne, and all the police, they were gradually accepted by the public.

In the early days of the establishing of the modern police, Peel, Rowan, and Mayne often discussed the future direction of the new police, and set up important principles (Chiang 1990k: 64-65). Some of the principles greatly affected the police development, with a lasting influence even today. The principles were: (a) in order to prevent the public from mistaking the police as spies from the military, the police must wear a uniform. Furthermore, in order to make the police more civilized, the colour of the police uniform must not only differ from that of the military, but also emphasise nature and peace (Ascoli 1979: 90). (b) The police were not permitted to carry firearms. They were equipped only with a truncheon and a rattle which they could use to raise the alarm and call for help. At night they carried a lantern (Palmer 1988: 297-299). (c) In order to raise the quality of police recruitment, the regulations demanded that men should be under 35 years of age, in good health and strong, at least five ft. seven ins. in height, and able to read and write (Critchley 1967: 52; *Police*

Review 31 August 1990: 1720-1721) and with a written recommendation of good character (Home Office 1976: 15). Every applicant was personally interviewed by the Commissioners and the rejection rate, particularly among the old parochial officers who applied, was high (Ascoli 1979: 89). From the outset it was a deliberate policy to recruit men 'who had not the rank, habits or station of gentlemen'. It was also important, to reinforce the principal objective and the instructions of the police, to strengthen police training and to separate the weak from the strong. And from the start, 'the police was to be a homogeneous and democratic body, in tune with the people, understanding the people, belonging to the people, and drawing its strength from the people' (Critchley 1967: 52). (d) Once the force was established, every policeman who joined had to start as a constable and work his way up through the ranks for promotion. He was only given promotion if he showed himself to be able and fit (Home Office 1976: 14). These measures to strengthen police training and management were all instrumental in establishing the good image of the police.

In order to lessen the burden of taxation on Londoners, after 1833 the government decided to use the Consolidated Fund to provide one-fourth of all police expenses, with the remaining three-fourths to be paid from parish rates (Palmer 1988: 308-313). The Metropolitan Police Act could not easily be changed or abolished and the longer it was enforced, the more the public got used to and accepted it (Chiang 1990k: 68). By the mid-1830s, the unthinkable was slowly becoming the acceptable. It was clear that the new police force was not going to be abolished.

On 13 May 1833, a proposed meeting was organised by the National Political Union in Cold-Bath Fields, off Gray's Inn Road, in Clerkenwell, London, despite a Government veto. About five hundred police were drafted into the area, but they made no attempt to keep the crowds on the move. The newly invented technique of the baton charge was used to break up the meeting once it had started, and matters quickly got out of hand. The police were armed only with staves, while the mob had stones, daggers, and knives. Despite the outcry against police brutality which ensued, the serious casualties were those suffered by the police. One constable was killed and many seriously injured, but police baton charges broke up the riot without anyone in the crowd being seriously injured. It is indicative of the suspicion of police methods at that time, even among responsible citizens, that the jury refused to return a verdict of murder in the case of the dead constable, and at another court a verdict of 'not guilty' was returned in a case where a rioter had actually been seized (Howard 1953: 96-97).

Many members of the public felt deeply for the dead constable's widow and provided her with a subscription. The government took the unprecedented step of awarding her the sum of 200 pounds in compensation (Ascoli 1979: 105; Chiang 1990k: 68). People were beginning to realise, too, that the police were doing their best to put down crime and violence, and were not trying to destroy the liberty of honest citizens (Speed 1968: 45). This was a turning point in the image of the police. After this riot, public opinion veered in favour of the police.

Because of the excellent performance in the control of crowds in the mid-1830s, and their positive role in the prevention and detection of crime, many Londoners were at last coming to appreciate the police. The statistics revealed a decrease in house larcenies and burglaries, which an 1834 Parliamentary committee ascribed to police vigilance, and an increase in common assaults and street thefts, which was said to reflect higher police arrest rates. Not only was crime being brought under control, the committee found that "on one occasion since the establishment of the Metropolitan Police, has the military authority been called upon to assist the civil power in repressing any disturbance". The new police's effectiveness against crime was used by the 1834 committee to dismiss the traditional counter-arguments based on cost and constitutionality: the government-controlled police simply worked better than the local parish forces (Palmer 1988: 313). Furthermore, newspapers were increasingly treating their readers to stories of heroic constables grappling with criminals armed with knives and sometimes even guns; those in authority, the police, thus appeared in the role of the underdog against villains who did not abide by the rules of fair play.

4.4 Analysis of Police Developments Between 1857 and 1964

After the County and Borough Police Act the British police entered a new stage of development. These changes and the effects of them upon the nature of the police and its relations with the public are examined below, up until the Police Act 1964.

(i) Force Amalgamations and Rationalisations

After the County and Borough Police Act was passed in 1856 hundreds of police forces were set up. However, they ranged in size from the Metropolitan Police, to forces of only one man in no fewer than thirteen of the small boroughs

(Chiang 1991b: 17). There were still six 'forces' consisting of only one man in the mid-1870s, and as late as 1881 some thirty forces had fewer than six men (Critchley 1967: 129). These forces varied considerably in their outlook, efficiency, recruitment (including the appointment of chief officers and constables), status, accountability (who controlled or ought to control the police?), popularity with the public, their standards of discipline, and even their rates of pay. There was no uniformity, even about the uniform.

A Select Committee on Police Superannuation was set up in 1875, and in 1877 the Municipal Corporations (New Chapters) Act imposed the first compulsory check on the formation of new police forces whereby no scheme for the incorporation of a borough might allow the formation of a separate police force unless the population exceeded 20,000. Furthermore, in 1888, a provision in the Local Government Act, abolished police forces in towns with a population under 10,000, the effect being to reduce the number of separate police forces by forty-eight, from 231 in 1888 to 183 in 1889. The Police Act of 1946 provided for the abolition of certain small forces and for the voluntary or compulsory amalgamation of other forces. The Royal Commission on the Police recommended, in its Final Report presented in 1962, that the local basis of police organisation should be retained, but the central control and co-ordination should be strengthened. The Police Act 1964, which replaced all previous general legislation on police administration, gave effect to many of the Royal Commission's recommendations. A substantial programme of amalgamations of police forces took place between 1966 and 1969 and there were further combinations in 1974 as part of local government re-organisation (Home Office 1989: 1). In 1861, there were 233 police forces; after a series of amalgamations, there were 47 in 1970, and 43 since 1975 (Clarke and Greene 1987: 97; Reiner 1991b: 40).

(ii) Conditions of Service

The early policeman's lot was not a happy one. The conditions of service were poor and the police officer's life demanded almost unremitting hard work performed under conditions of severe discipline, which was strict, and punishments were imposed arbitrarily. No Police Federation existed to protect and promote their interests, all patrolling was done on foot, no boot allowance was paid before 1873, and in return for wages at the level of unskilled agricultural labourers a man worked a seven-day week. The average day's duty was ten or twelve hours. Rest days were rare in the 1860s and 1870s. No meal

breaks were allowed, and a man's ingenuity was constantly taxed by the need to find privacy where he could eat a snack to sustain himself over the six or seven hours of each shift on duty. To get promotion was not easy. According to a Home Office memorandum of 1878, it took a man from four to five years to be promoted to the rank of sergeant and a further eight to ten years to be promoted to the rank of inspector. They were not allowed to vote in parliamentary elections until 1887 and were not allowed to vote in municipal cities until 1893 (Home Office, 1977; Chiang 1990a: 66-71 and 1991a: 64-69). In order to compete for their own rights - the 'right to confer', higher wages, a pension, and the longed for weekly rest-day—there were four strikes involving the British police; these happened in 1872, 1890, 1918, and 1919 (Steedman 1984: 132-136; Chiang 1991a: 64-69). The latter two brought about the greatest changes.

During the First World War (1914-1918) the cost of living doubled, but police pay stayed as low as ever. There was no set procedure for policemen to complain about such a bad state of affairs — they were not allowed a trade union, and had no representative to speak on their behalf. Despite this, a group called the Police Union was formed and, after much debate, about 6,000 members of the Metropolitan Police came out on strike on 30th August 1918. They were followed by the City of London Police. After three days' strike, the police received a promise of better pay, pensions and children's allowances. It also led to better and fairer pay for other police forces (Home Office, 1977). Another strike, in July 1919, affected police forces in London, Merseyside and Birmingham. Unlike the first strike, it led to serious crimes being committed, particularly in the Liverpool area. Severe rioting broke out in Liverpool, and steel-helmeted troops, and even tanks, were sent to Merseyside, where there were bayonet charges and bloodshed. The result of this strike was such that all the strikers were dismissed, and none was ever reinstated, but the promises of 1918 were fulfilled.

The 1919 Police Act[7] set up the Police Federation (Section 1), which acted as the representative body for all police officers up to the rank of chief inspector. Its neutrality was guaranteed by a prohibition against associating with any body or person outside the police service, and put into effect the 1918 agreements. The Act not only prohibited policemen from joining a trade union, but made it a criminal offence to induce a policeman to strike (Sections 2 and 3).

[7] An Act to amend the Law relating to the Police in Great Britain, passed on 15 August 1919.

Generally speaking, after these police strikes, the police rights were gradually improved. For example, the Police Act of 1890 regulated that every policeman gained a legal right to a pension after twenty-five year's service, or, on medical grounds, after fifteen years. The grant of 25% from central government was increased in 1919 to 50% of all approved police expenditure, including pensions (Home Office 1989b: 1). The Police Act of 1919 set out the conditions of police having to wear a uniform throughout the country (Section 10), giving the Home Secretary power to make regulations, binding on all police authorities, dealing with pay, allowances, discipline and conditions of service generally, and a Police Council was established as a central consultative and advisory body before which regulations were to be laid (S. 4; Chiang 1992b: 64-68).

(iii) Improvements in Communication and Mobility

In 1878, the Metropolitan Police formed the first plain-clothes Criminal Investigation Department (CID). Before this, there had been very few detectives in any of the police forces (Home Office 1977). The CID has come a long way since that day in 1842 when six officers were selected to form the first Detective Department, following two attempts on Queen Victoria's life and an outbreak of major crime in London (N.S.Y., *Facts about the Metropolitan Police*). Fingerprints were first used in detective work in 1901[8]. Furthermore, cars had gradually come into use during the later years of the nineteenth century, and by 1901 they were becoming uncontrolled and dangerous. In the ten years from 1920 to 1930 the number of registered motor-cars rose from under 200,000 to more than 1 million. The police gradually began to replace their horses with cars. In 1909, policemen were also allowed to use bicycles to enable them to be more mobile. This was the beginning of a new age of police mobility.

In 1910, the Thames Division of the Metropolitan Police gave up most of their rowing boats, replacing them with motor boats for patrolling the river. Furthermore, the wireless radio was first used to trap a criminal in 1910. Gradually, mobility and communications improved. Telephones became more commonly used, and police phone boxes were built so that officers could quickly get in touch with their station. In the 1920s some police cars were equipped with radios. The Metropolitan Police CID were using two-way wirelesses in 1923, and by 1926 they were being used for communications between stations. In the 1930s

[8] New Scotland Yard, Facts About The Metropolitan Police:Fingerprints; see also Home Office 1977:The Police from 1856.

regional transmitters were set up. The Second World War (1942-1945) further helped to improve communications, and after the war, radios were more generally used. Nowadays, all police vehicles have radios, and patrolling officers carry personal sets. Generally speaking, these developments in forensic science, mobility and communications had considerable impact on British policing.

(iv) Relations Between the Police and the Public

After the Cold Bath Fields riot in 1833, although public opinion changed quite considerably in favour of the police, many people still saw the police as a figure of authority who only worked at catching criminals and 'booking' people for minor matters. Since then the police have had their ups and downs in public opinion. As soon as a police officer did something wrong people heard all about it straight away. During the 1914-18 War and the General Strike in 1926 the reputation of the police improved gradually. During the Second World War they worked alongside the fire and ambulance services in helping people who had been injured, and caught looters and people who were getting an unfair advantage by breaking the law. Furthermore, after the war, Crime Prevention Officers began visiting to give advice on the protection of property, and later they started going to meetings to talk about crime problems. The police often visited schools to talk about their work, to give advice to pupils about such matters as talking to strangers and road safety, or to discuss other problems which affect children. Many off-duty police officers helped with youth clubs, scouts and guides, first aid classes, sports coaching and other activities of this kind (Chiang 1989a: 68-92).

In 1950 The Blue Lamp introduced P.C. Dixon, who, in the long-running television series Dixon of Dock Green, came to represent the popular image of the friendly, firm and fatherly local policeman. A typical view was that the police were 'overworked, underpaid men with a high sense of duty; one of the chief reasons why this is such a pleasant country to live in' (Benyon and Bourn 1986: 4). In 1957, due to more people phoning the police for help and giving information about crime, forces began to operate Information Rooms. All public calls went through to these rooms, and the public and the police began to help each other more.

In 1950, when George Dixon made his entrance, a postal survey found that 73.5% of the respondents were 'appreciative' of the police, with just 5% who

were 'hostile' (Benyon and Bourn 1986: 4). In 1960, the rather more representative survey of the Royal Commission on the Police revealed that nearly 83% of the sample said they had 'great respect' for the police. However, the Willink Royal Commission in the early 1960s revealed that nearly one in five of the sample did not have 'great respect' for the police, 42% thought some policemen took bribes, and 35% thought that unfair methods were used on occasions to get information (Benyon and Bourn 1986: 7). But, according to Reiner, as far as police acceptance by the public is concerned, "the 1950s seem a "Golden Age" of tranquillity and accord, with only hesitant harbingers of coming crisis" (Reiner 1985; 49; Benyon and Bourn 1986: 7). According to Benyon:

> the success of the development of British policing can be attributed to a number of factors. It was, of course, partly the result of social and economic policies which decreased the amount of covert conflict, and partly the consequence of political action which enabled the working class to articulate grievances through formal channels such as elections, trade unions and the Labour Party. It was also a result of the successful extension of the hegemonic set of values and attitudes, and the creation of various agencies of social control. However, policing in Britain also succeeded in its own right, so that by the end of the 1950s a large majority of the public—83% according to the Willink survey—afforded the police respect and support. Six related factors may help to explain how policing reached its 'Golden Era'; these are effectiveness, identity, participation, legitimacy, justice and consent (Benyon and Bourn 1986: 8).

(v) Conflicts about Police Powers and the Influence of the Home Office

According to the regulations of the Municipal Corporations Act 1835, the County Police Act 1839, and the County and Borough Police Act 1856, the justices (in county) and watch committees (in borough) had more power than chief constables to control the police. For example, in the boroughs the watch committees had sole responsibility for appointments, promotions, and discipline, and for drawing up the regulations for the force, without the countervailing Home Office powers to which the joint standing committees were subject (Spencer 1985: 17). And when the Local Government Act established county councils in 1888, democratic local government finally reached the counties. But control of the county police forces was not transferred to a watch committee of the council to bring the position into line with that in the boroughs. The justices clung to their powers, and, to justify their position, raised the argument that the police should be under their authority rather than that of elected representatives, because they were not subject to the dangers of political bias. As a compromise, 'standing joint committees' were established with an equal number of councillors and magistrates; this completed the

administrative system which was to remain more or less intact in the counties until 1964 (Spencer 1985: 17).

Gradually, chief constables increasingly insisted on their autonomy in enforcing the law, but the watch committees continued to expect their chief officers to follow their instructions, and some justices also insisted on their independent right to issue instructions. This resulted in some conflicts between chief constables, justices, and watch committees. For example, in Birmingham, in 1880, the chief constable clashed with the local justices when he decided that all drunks should be taken into custody and brought before a justice, thus reversing the previous policy not to interfere unless the drunks caused disorder. The justices, and members of the public, criticised the decision and the chief constable withdrew it (Jefferson and Grimshaw 1984: 39-40). Another example was in 1902, when the Chief Constable of Margate was caught in the cross-fire of a political struggle between the justices and the watch committees. The chief constable was faced with conflicting instructions from the justices, who ordered him to take proceedings against certain publicans, and the watch committee, which instructed him not to serve the summonses. The justices then threatened to suspend him for neglect of duty in failing to carry out their instructions. The chief constable considered his position intolerable and resigned, although not until the justices had finally backed down (Spencer 1985: 19).

The effects of the First World War (1914-18), the police strikes (1918 and 1919), and the Second World War, resulted in more power accruing to the Home Office. For example, after the police strike in 1919, the Police Act 1919 was enacted, which significantly increased the role of the Home Secretary. It introduced a 'new concept of a centrally guided and largely uniform system of local police forces' (Spencer 1985: 21; Chiang 1991b: 14-38).

According to the regulations of the Police Act 1919, the Home Secretary was responsible for standardising pay and conditions throughout the force: the resulting series of increases in police pay was to mark the beginning of their professional status. A Police Council was established as an advisory body to the Home Secretary, with representatives from all ranks and from police authorities, and police 'unions' were formed to negotiate with the Home Office on pay and working conditions. Finally, the financial contribution from central government to each force was increased to half the total cost of maintaining the police force. A new Police Department was organised within the Home Office to administer its new responsibilities. The Home Secretary was not required to

submit his new regulations to Parliament for its approval. The Second World War gave further impetus to this trend. The Temporary Defence Regulations empowered the Home Secretary to instruct both chief constables and police authorities (Spencer 1985: 21).

4.5 The Royal Commission on the Police of 1960

As a result of the continuing debate on police accountability in the late 1950s, the Royal Commission on Police was appointed on 28 January 1960 (Manwaring-White 1983: 20-23; Lambert 1986: 29-30; Oliver 1987: 10). The Commission was asked 'to review the constitutional position of the police throughout Great Britain, the arrangements for their control and administration'. In particular, it was to consider:

(i) the constitution and function of local police authorities;
(ii) the status and accountability of members of police forces, including chief officers of police;
(iii) the relationship of the police with the public and means of ensuring that complaints by the public against the police are effectively dealt with; and
(iv) the broad principles which should govern the remuneration of the constable, having regard to the nature and extent of police duties and responsibilities and the need to attract and retain an adequate number of recruits with the proper qualifications (Home Office 1962: 1; Critchley 1967: 275; Alderson 1984: 91-94; Jefferson and Grimshaw 1984: 2; Oliver 1987: 10).

In 1962, the Royal Commission on the Police presented its final report. It summarised the functions of the police in 1962 thus:

(i) The maintenance of law and order and the protection of persons and property.
(ii) The prevention of crime.
(iii) The detection of criminals and associated functions within the judicial process.
(iv) In England and Wales the decision to bring prosecutions, but not in Scotland.
(v) The conduct of prosecutions in many minor cases (but not in Scotland)
(vi) The control of traffic and advice to the local authority on such matters.

(vii) Certain duties on behalf of central government, for example, some immigration enquiries.

(viii) By long tradition, to befriend people who need help, and to cope with minor or major emergencies (Critchley 1967: 309-310; Oliver 1987: 15).

It also recommended over one hundred suggestions[9]: these covered 'the purposes of the police and their constitutional position (chapter IV)'; 'arrangements for the control of the police (chapter V)'; 'the police authority (chapter VI)'; 'the central authority (chapter VII)'; 'the police and the public (chapter VIII)'; 'complaints against the police (chapter IX)'; etc. According to the Royal Commission recommendations, the Police Act was enacted and passed in 1964. The contents of the Police Act 1964[10] included 'organisation of Police Forces (part I)'; 'Central Supervision, Direction and Facilities (part II)'; 'Police Representative Institutions (part III)'; 'Miscellaneous and General (part IV)'; 'Schedules'; etc. The Act came into force on 1 June 1965 and gave the police of England and Wales a new appearance.

4.6 Summary

This chapter has examined the history of law enforcement in England and Wales prior to the formation of the new police. It has also focussed upon the developments in policing after the 'modern' police was set up in London in 1829. The latter system of policing spread to the whole of England and Wales after the County and Borough Police Act was passed and implemented in July 1856.

The question whether or not to arm the police caused great discussion at the beginning of the establishment of the 'modern' police in 1829. The final decision was that the police were not permitted to carry firearms. They were equipped only with a truncheon and a rattle. The unarmed policy not only made the 'modern' police more civilized, receiving quicker acceptance from the public, but it also made the unarmed British police a very special type of policing in the world.

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9 Royal Commission on the Police 1962 , Final Report.

10 An Act to re-enact with modifications certain enactments relating to police forces in England and Wales, to amend the Police (Scotland) Act 1956, and to make further provision with respect to the police, passed on 10 June 1964.

The development of the 'modern' police in Britain, however was not smooth, and its formation encountered a lot of difficulties and challenges. During the early days of policing work, the general environment, the long hours, the fact that there was no rest day, the low pay, and the few promotion prospects and the lack of voting rights until 1893, led to four serious police strikes during the period 1872 and 1919. As a result it can be argued that the modern police in Britain have a long and varied history. Their experience in facing the challenges and the reformations they have made, provide valuable lessons for other countries.

Police accountability has been an argument since the emergence of the 'modern' police. Both as a result of the police strikes, and the First and Second World-Wars, the Home Office increased its influence on policing, which led to the continuing debate on police accountability in the late 1950s. This resulted in the Royal Commission on Police in January 1960 appointed to review the constitutional position of the police and the arrangements for their control and administration. As a result of the Commission the Police Act 1964 was passed and implemented.

In the following chapter, we continue to examine policing in England and Wales after 1964, especially focussing on current policing dilemmas and challenges.

CHAPTER 5

Policing in England and Wales Since 1964

There are currently 52 police forces in the United Kingdom, of which 43 are in England and Wales, 8 in Scotland, and one in Northern Ireland. The present forces are the result of a series of amalgamations of smaller forces completed in the early 1970s. Each of the 52 police forces is responsible for law enforcement in its area. In addition, there are various specialist police agencies, such as the British Transport Police (BTP), the UK Atomic Energy Authority Constabulary (UAEAC), the Ministry of Defence Police (MDP), the Royal Parks Constabulary (RPC) and an array of Port, Harbour and Tunnel Police (McKenzie and Gallagher 1989: 55; Benyon, Davies, and Willis 1990: 90; Chiang 1991b: 14-38). The discussion in this chapter is confined to the 43 police forces in England and Wales.

5.1 Current Establishments and Organisation

The total authorised establishment of forces at the end of 1991 was about 126,325 representing one police officer for every 401 of the population (Home Office 1992a: 48). Individual forces vary a great deal in size and character. At the end of 1991 the total strength of provincial police forces ranged from a low of 944 (Dyfed Powys) to a high of 7,057 (Great Manchester). More than half the forces have strengths of between 1,000 and 2,000 officers, while at the other extreme there are two giant forces, the Greater Manchester Police and the West Midlands Police, with over 6,000 police officers (Reiner 1991b: 4; Home Office 1992a: 47). The Metropolitan Police is by far the largest force, with a strength of 28,412 officers. The populations for which provincial forces are responsible range from 442,000 (Gwent) to 2,615,000 (West Midlands). Their areas range from 58,308 hectares (Cleveland) to 1,084,522 hectares (Dyfed Powys) (Home Office 1992a: 47). All forces employ civilians on duties for which police powers or experience are not needed. There are currently about 40,000 full-time and 6,300 part-time civilians employed in the police service in England and Wales. There are also civilian traffic wardens employed to assist the police in controlling and regulating traffic and in enforcing certain laws such as local parking regulations.

Expenditure on the criminal justice system was £6 billion in 1989/1990 of which the total cost of the police service was about £4,116 million. The total police revenue budget for 1991/92 was around £4.9 billion, which represented a real growth of 2.3% over the previous year. In addition, the Home Office was prepared to support them with a capital grant of £219 million capital expenditure on buildings, vehicles and equipment. Some 51% of the total expenditure was from the Home Office (Special grant), 27.5% is from the Department of the Environment (Revenue support grant), 14.25% is from the Uniform Business Rate, and 7.25% from the Community Charge (*Police Review* 13 March. 1992: 488-489). The cost of the Metropolitan Police is met by a government grant of 52% of all approved expenditure and a percentage charge on all local authorities within the Metropolitan Police District.

The policing of London is undertaken by the Metropolitan Police and the City of London Police. The chief officer is known as the Commissioner of Police in the Metropolitan and City of London forces and as the chief constable in other forces.

The Commissioner of Police of the Metropolis is appointed by the Queen on the advice of the Home Secretary of the day. He is in overall command of the Metropolitan Police in London. The Home Secretary is currently the police authority for the force. The Commissioner has broadly the same duties and responsibilities as the chief constables in the provincial forces. Under the Commissioner, there are a deputy commissioner, four assistant commissioners, 15 deputy assistant commissioners and 52 commanders (see Figure 5.1). The Metropolitan Police district covers Greater London, with its 6,756,000 people, and beyond. It is an area covering 787 square miles and reaches from Potters Bar in the north to Kenley in the south; Upminster in the east to Staines in the west. It is divided into eight areas. Each area is again divided into divisions (see Figure 5.2). Some divisions are then in turn divided into sub-divisions and police stations. Each area has its own headquarters and is under the command of a deputy assistant commissioner, assisted by a commander (operations) and commander (support). Each divisional station is under the control of a chief superintendent and his deputy, a superintendent.

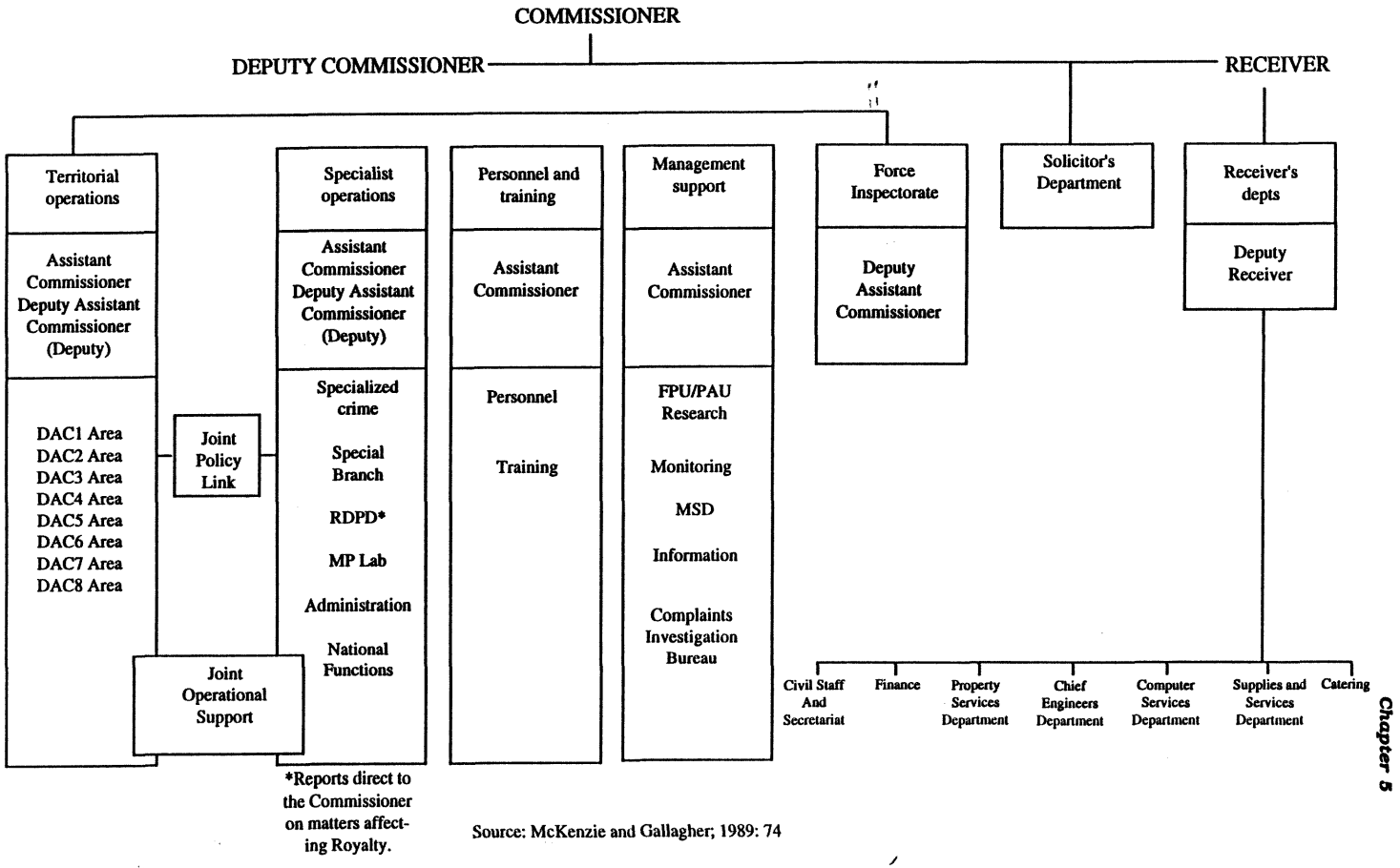
In provincial forces, the chief constables are responsible for the control of their own force and law enforcement in their force areas. In addition to a

deputy, usually one or more assistant chief constables (ACCs) are appointed[1]. In a large force there may be as many as six ACCs[2], with special responsibilities in fields such as crime, operations, management and administration, personnel, or similar specialisations. The larger the force, the greater the number of specialist departments, though the main ones are common to all (see Figure 5.3). The other principal ranks are chief superintendent, superintendent, chief inspector, inspector, sergeant and constable (see figure 5.4). Force areas are divided into territorial divisions which are the major operational units headed by chief superintendents. These are further divided into sub-divisions headed by a superintendent or, in the case of a smaller area, a chief inspector. Under them the patrol and control room inspectors manage the operations of the sub-division through teams of sergeants and constables (Home Office 1985: 4). All promotions to higher ranks are made from within the police service. There is a minimum period of 2 years' service before promotion to sergeant and ordinarily of 2 years' service as a sergeant before promotion to inspector. The appropriate qualifying examination must also be passed. There are no examinations or minimum periods of service for promotion to chief inspector or above (Home Office 1989b: 4-5; Chiang 1991i: 71-76).

[1] For example, there is one ACC in Warwickshire Constabulary, two ACCs in Dorset Police, three ACCs in Sussex Police, four ACCs in Merseyside Police, and Devon and Cornwall Constabulary, etc. (see Warwickshire Constabulary, Dorset Police, Sussex Police, Merseyside Police, Devon and Cornwall Constabulary Chief Constable's Annual Report 1989).

[2] For example, there are six ACCs in Great Manchester Police (see Great Manchester Police Chief Constable's Report 1989).

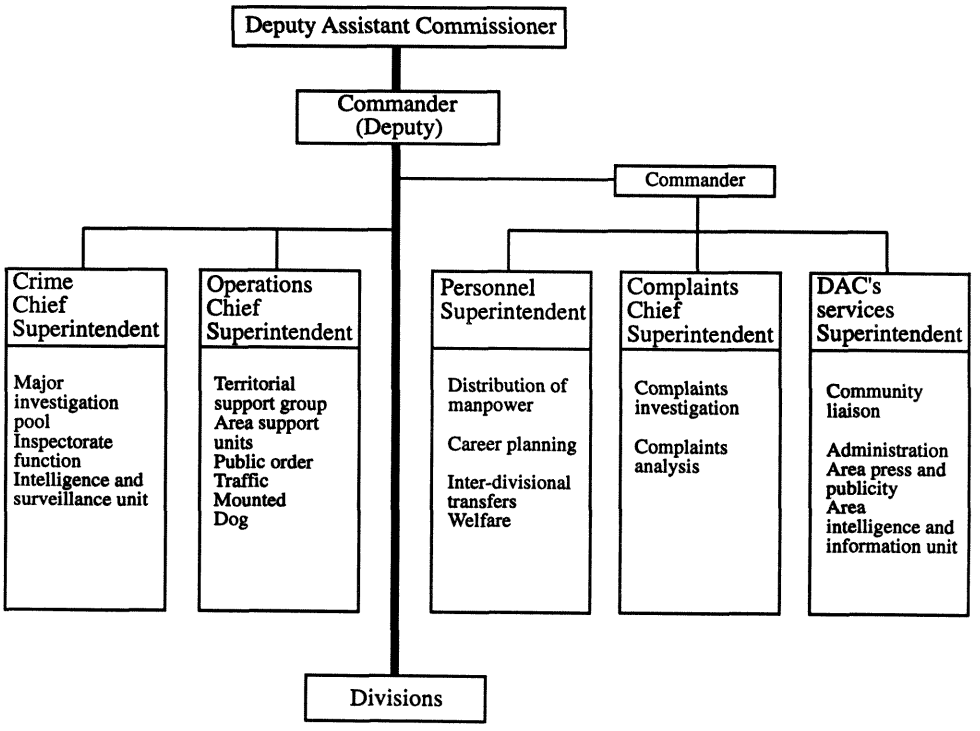
Figure 5.1 Metropolitan Police Headquarters Structure



*Reports direct to the Commissioner on matters affecting Royalty.

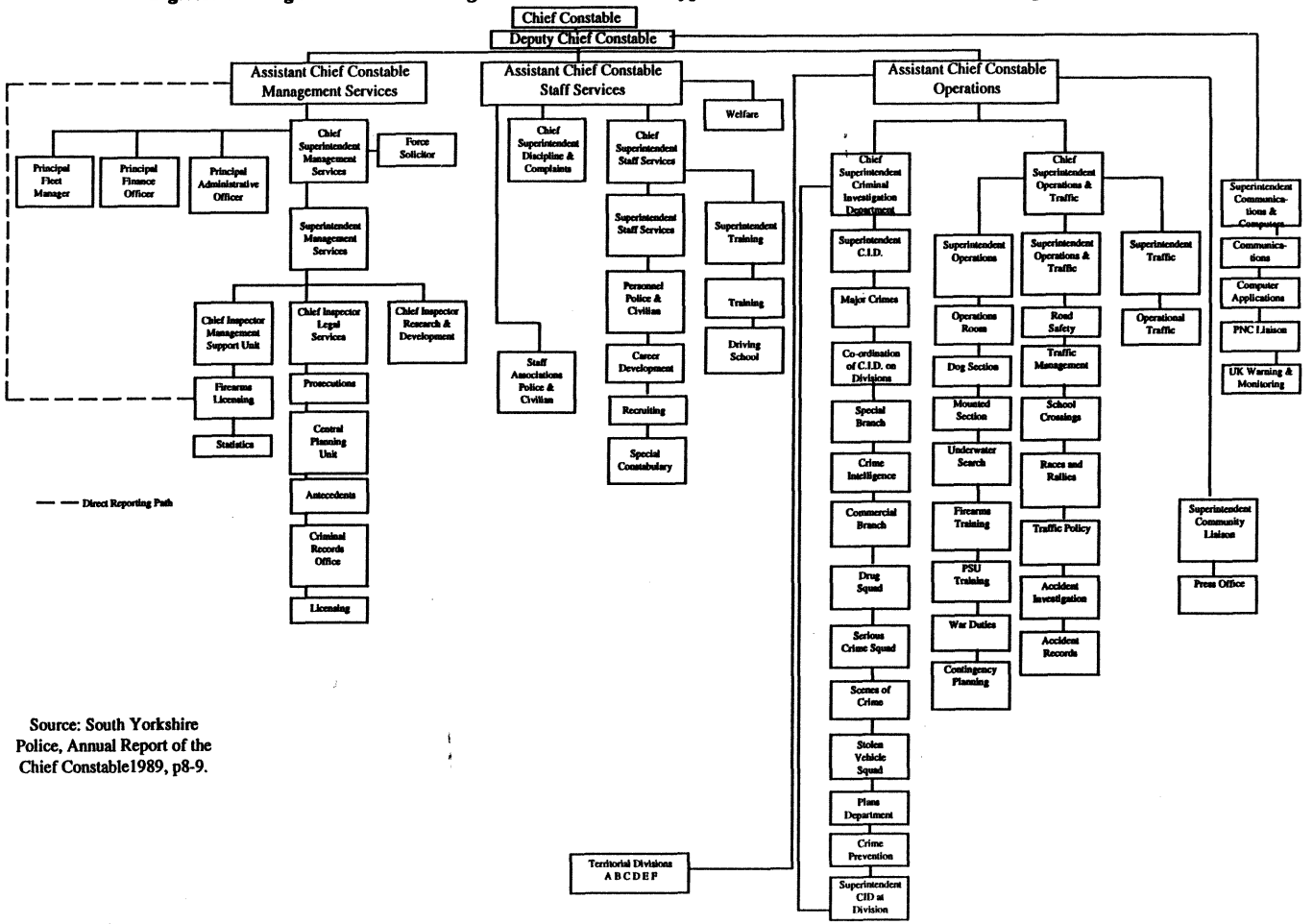
Source: McKenzie and Gallagher; 1989: 74

Figure: 5.2 Organisation of area structure: London Metropolitan Police



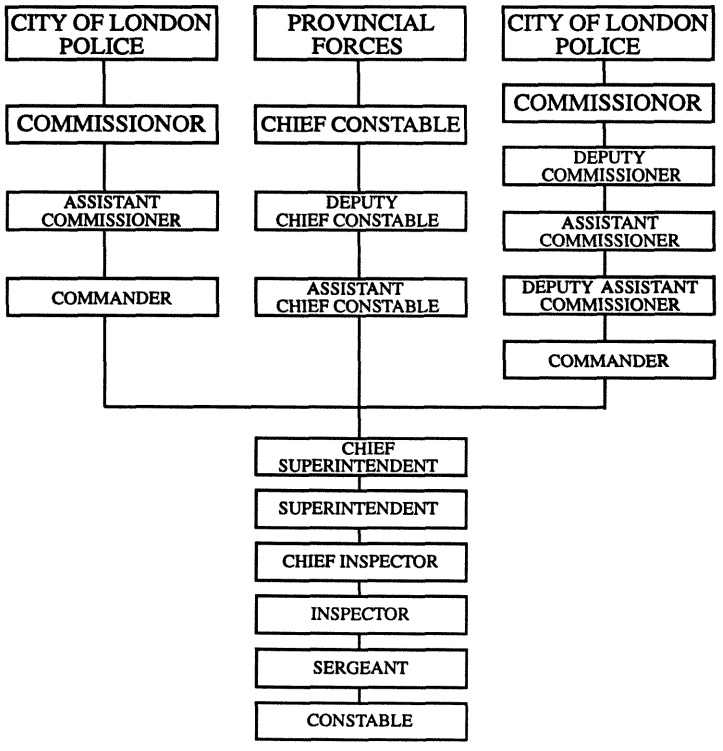
Source: McKenzie & Gallagher; 1989; p74.

Fig.5.3: The Organisation and Management Structure of a Typical Medium Sized Police Force in England and Wales



Source: South Yorkshire Police, Annual Report of the Chief Constable1989, p8-9.

Figure 5.4: The Rank Structure of Police Force in England and Wales



Source: The Story of Our Police: Part Two-Training, Learning the Job, Home Office 1977.

5.2 Police Accountability

The Police Act 1964 set up a tripartite structure, allocating responsibilities to the police authorities, the chief constables, and the Home Secretary. Police authorities were established to replace the old dual system of watch committees and joint standing committees. Outside London, police authorities currently consist of two thirds councillors, appointed by the council for the area covered by the force, and one third magistrates appointed by the relevant magistrates court committee(s)[3]. The terms and conditions of appointment for the councillors are determined by the county council(s) making the appointment, and it is usual for members to be selected in proportion to the

3 For example, in Cambridgeshire, there were 30 members of the Police Committee of the Cambridgeshire County Council in 1989, 17 of them were County Council members, 9 of them were Magistrate members, and 4 of them were University members.

major party representation on the full council. The Secretary of State makes rules for the appointment of magistrates to the police authority (Oliver 1987: 37-8; Home Office 1989b: 2). Where a force covers more than one county, such as Thames Valley (which covers Berkshire, Oxfordshire and Buckinghamshire), a combined police authority exists with councillors and magistrates from each county. There are forty-one police authorities in England and Wales (outside London), thirty-one relating to single counties and ten combined authorities (Spencer 1985: 31-32). The police authority for the Metropolitan Police is the Home Secretary, and that for the City of London Police is the Common Council of the City of London[4].

The main powers and duties of police authorities are to secure the maintenance of an adequate and efficient police force for their area, and to exercise for that purpose the powers conferred by the Act (s.4(1)). They have the power to appoint the chief constable of the force and determine the number of persons of each rank, subject to the approval of the Home Secretary and any regulation he may make, and the duty and power to provide and maintain building, structures, and premises and vehicles, apparatus, and other equipment required by the force, subject to any regulations made by the Home Secretary (s. 4(4)). Police authorities also have the power to call on the chief constable, assistant or deputy chief constable to retire in the interests of efficiency and to appoint the deputy and assistant chief constables after consulting with the chief constable, both of these powers subject to the approval of the Home Secretary (s. 6(4)). They are empowered to require the chief constable to submit a report in writing on matters connected with the policing of the area(s. 12(2)), to act as the disciplinary authority for the chief constable, deputy and assistant chief constable (s. 33(3)(a)) and to keep themselves informed as to the manner in which complaints made by members of the public against members of a police force are dealt with by the chief constable (s.50).

Each police force is under the 'direction and control' of its chief constable (s. 5(1)), who has a statutory duty to enforce the law. Under the 1964 Police Act, the chief constable has the power to appoint, promote and discipline all officers up to the rank of chief superintendent and is required to investigate all complaints against any of his officers (Spencer 1985: 36). The chief constable is responsible for the day-to-day running and operational efficiency of his force;

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[4] see Metropolitan Police Act 1829 and 1839, City of London Police Act 1839; see also Spencer 1985:32.

each year he must submit a written report to his police authority and to the Home Secretary on the policing of the area(s. 12(1)). A chief constable can, at the request of another chief constable, provide 'aid' to that force in the form of constables or other assistance (s. 14(1)).

The Home Secretary has a number of important powers and duties set out in the 1964 Act: (a) He can direct a chief constable to provide mutual aid to another force (s. 14(2)). If two police authorities cannot agree how much the aid provided is, the Home Secretary can determine the sum to be paid (s. 14(4)). There is a great deal of co-operation between forces, for example regional conferences of chief constables and detective or traffic officers are held frequently. Regional Crime Squads have been established, and when a force is particularly hard pressed, officers from other forces can be sent to it under standing arrangements for mutual aid (Home Office 1989b: 2). (b) The Home Secretary has a general responsibility to promote the efficiency of the police services (s. 28). (c) He or she can require a police authority to call upon its chief constable to retire in the interests of efficiency (s. 29(1)). (d) The Home Secretary can require any chief constable to submit a report on the policing of the area (s. 30(1)); and can order a local enquiry into any matter connected with the policing of any area (s. 32(1)). (e) He or she can make regulations governing the ranks to be held by members of police forces; qualifications required for appointment and promotion; periods of service on probation; voluntary retirement; maintenance of discipline; suspension of officers from their force and from their office as constables; maintenance of personal records of members of the force; duties which are, or are not, to be performed; the hours of duty, leave, pay, and allowances; the issue, use and return of police clothing, personal equipment and accoutrements (s. 33). (f) The Home Secretary can also make regulations regarding special constables and police cadets, (s.34 and s. 35) and requiring equipment used by the police to satisfy certain standards of design and performance (s. 36). These important regulations do not need to be debated in Parliament; they are simply laid before Parliament and could be rejected by a majority vote in either House (s. 33(6); Spencer 1985: 37). (g) The Home Secretary is also the appeal body for officers found guilty of disciplinary offences (s. 37). (h) The Home Secretary determines, with the approval of the Treasury, the number of Inspectors of Constabulary, who have a duty 'to inspect, and report to the Secretary of State on the efficiency of all police forces' except the Metropolitan Police (s. 38), and 'to carry out such other duties for the purpose of furthering police efficiency as the Secretary of State may from time to time direct' (s. 38(3)). In addition, the Inspectorate must, like police authorities, keep

itself informed about the way in which police complaints are being dealt with. The Chief Inspector must submit an annual report to the Home Secretary which must be laid before Parliament (s. 38(4)). (i) The Home Secretary is also responsible for providing many central services, including the police college and district police training centres, forensic science laboratories, wireless depots, and such other organisations and services as are considered necessary or expedient for promoting the efficiency of the police (s. 41). Furthermore, he or she may set up such bodies and take such other steps as appear to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police(s. 42). These services, known as common services, are provided by the Home Office for the benefit of all provincial forces. The cost is shared between the central government and police authorities. In addition to the training establishments, the common services include the forensic science service and the administration of the qualifying examinations for promotion to sergeant and to inspector (Home Office 1989b: 3). The Police National Computer which came into general operation in 1974 is another example of a centrally provided facility, as are the Regional Crime Squads and Intelligence Units (RCSIU), the National Identification Bureau (NIB), the Home Office Crime Prevention Centre (HOCPC) and the Police Requirement Support Unit (PRSU). The National Criminal Intelligence Service (NCIS) started operation in April 1992. Police advisory boards advise on police matters and the Police Council for Great Britain is the negotiating body for pay and conditions of service (Oliver 1987: 34; Critchley 1967: 294-295). (j) The Home Secretary also makes regulations prescribing the constitution and proceedings of the Police Federation and other bodies which represent the interests of members of the police forces (s. 44(3)).

The introduction of an Inspectorate of Constabulary took place in 1856 with the passing of the County and Borough Police Act. This Act was important because through it Parliament acknowledged that central government had a responsibility to ensure that a regular law enforcement agency was established in every county and borough throughout the Kingdom and that it had a responsibility to ensure that all police forces were operating in an efficient manner (Oliver 1987: 105). The Inspectors of Constabulary are required to inspect and report to the Home Secretary on the efficiency of all police forces, except the Metropolitan Police, and more generally to further police efficiency. One of the conditions of the Home Office issue of a police grant is that the Home Secretary has to be satisfied that a police area is being policed efficiently and a grant could be withheld if the HMIs refused to issue a certificate (*The Times*, 12

September. 1991: 2). There is one Chief Inspector of Constabulary, seven other inspectors and three assistant inspectors, including one who is the Commandant of the Police Staff College (Home Office 1992a: 42-46). The six regional HMIs inspect the 42 forces, including the City of London, on an annual basis. Since 1988 the Inspectorate has responded to requests from the Metropolitan Commissioner to examine and report upon selected areas of that force. Also inspected by invitation are the police forces of Northern Ireland and the island forces of Jersey, Guernsey and the Isle of Man. HMIs are, from time to time, also asked to advise government departments in the United Kingdom and overseas governments on police matters (Summers 1990: 340). Members of the Inspectorate also conduct thematic inspections, which are detailed examinations of specific issues of police organisation or operation and provide another means to influence the structured development of police forces (Home Office 1992a: 11).

5.3 The Powers of the Police

The position and powers of a police officer are ancient in origin and rooted in Common Law. The authority is original, not delegated, and a police officer is not an agent of either the local police authority or the central government but an officer of the law. Every police officer is sworn in as a constable before a Justice of the Peace. Although a member of a particular police force, an officer can exercise the powers of a constable throughout England and Wales. As a member of a disciplined body an officer is subject to the orders of superior officers, as well as being answerable to the law for the way in which he or she exercises their individual powers. In discharging special duties and powers the constable must be, and be seen to be, completely impartial and is therefore subject to certain restrictions—for example, while an officer can vote at elections, he or she is prohibited by the discipline code from taking any active part in politics (Home Office 1989b: 1).

The powers of the police were modernised and clarified by the Police and Criminal Evidence Act (PACE) 1984, which at the same time enhanced safeguards for the citizen. The Act does not generally extend to Scotland or Northern Ireland, where separate legislation applies. A draft Police and Criminal Evidence (Northern Ireland) Order was approved by Parliament in July 1989; under the Order a number of major reforms were made to the

criminal law to bring it broadly into line with that adopted in England and Wales by the PACE (Home Office 1990d: 115).

The PACE 1984 regulates in detail the police powers to stop and search (part I), powers of entry, search and seizure (part II), arrest (part III), detention (part IV), questioning and treatment of persons by police (part V), documentary evidence in criminal proceedings (part VII), evidence in criminal proceedings (part VIII), and police complaints and discipline (part IX). According to Reiner:

> the Act increased police powers in the following areas: (a) stop-and-search powers were extended nationally to include 'stolen or prohibited' articles, replacing the haphazard present array of powers covering a bewildering miscellany of articles from the eggs of protected birds to dangerous drugs, and varying from place to place. This is a clear instance of rationalisation involving an increase of powers; (b) powers of entry, search and seizure were also rationalised, and on the whole extended; (c) powers of arrest, with and without warrant, were extended; (d) the power to detain arrested persons for questioning without charge, for up to 96 hours, was created; (e) a variety of powers to obtain evidence from detained persons were established, for instance the taking of fingerprints or intimate body samples (Reiner 1985: 185).

5.4 Conditions of Service

Conditions of service are laid down in regulations made by the Home Secretary under the Police Act 1964. Changes in police pay, allowances, pensions, and certain other conditions of service are negotiated in the Police Negotiating Board (PNB) for the United Kingdom, which consists of representatives of the home departments and police authorities on one side and representatives of police officers on the other side. The Police Advisory Board (PAB) meets under the chairmanship of the Home Secretary. Its function is to advise the Home Secretary on general questions affecting the police, including proposed new regulations on non-negotiable matters such as promotion and discipline. Police officers may not join trade unions, but have their own representative organisations which fulfil many of the functions of a trade union. Officers below the rank of superintendent are members of the Police Federation, which has a branch in each force. The more senior ranks are represented by the ACPO and by the Superintendents' Association (Home Office 1989b: 5; Chiang 1992b: 64-68).

In the 1970s the levels of police salaries fell and it became difficult to recruit high-quality officers. An inquiry under Lord Edmund Davies resulted in

recommendations that included setting police salaries at a reasonable level, which would be sustained by a pay formula linked to the average earning index (Ascoli 1979: 340; *The Sunday Times* 1 March 1992: 2.4; Reiner 1991b: 235). As a result, police salaries rose considerably during the 1980s. In September 1992, a constable on appointment received £12,555, excluding the housing allowance, and after 15 years' service, the salary rose to £20,952. On promotion to sergeant, an officer earned £20,043, rising to £22,992 per year for inspectors, £26,103 for chief inspectors and £35,508 for superintendents.

The minimum age for appointment as a police officer is eighteen and a half years, although most forces prefer to recruit people who are older than this. Everyone joins the police service as a constable. Police officers work an 8-hour day, usually on a shift system, and are entitled to rest days at the rate of two a week. Overtime and rest-day working is compensated by payment or time off in lieu, at enhanced rates. The maximum pension (equal to two-thirds of the retiring pay) is earned after 30 years' service, and minimum pension (one-half of retiring pay) after 25 years' service. In addition, full pay (less National Health Service benefits) is given to a police officer absent from duty because of sickness or injury. Gratuities or pensions are paid according to length of service to those scheme members who have to retire on medical grounds. Pensions at special rates are given to officers disabled through illness or injury resulting from duty, including those who are not members of the police pensions scheme. Police officers are also entitled to free accommodation or a generous housing allowance in lieu.

5.5 Police Training

Since July 1989 police recruits receive a 31-week foundation course, followed by a further minimum of six weeks' training (Post-Foundation Course) during a two-year probationary period. This is divided into 7 modules comprising a mixture of theoretical and legal learning, together with job experience in both a policing and a 'community' context (Central Planning Unit 1989a: Section Two; 1989b: 1-24; 1989c: 1-15; Chiang 1989b: 38-46 and 1991g: 62-67). The Foundation course is taught in Police Training School and police stations in each force. In London, students are required to undertake a 20-week initial training programme at the Metropolitan Police Training School at Hendon. The training course is intended to develop them as individuals, improve their skills in dealing with others and enable them to promote the

professional image of the force. The training programme includes: recruit training (weeks 1-20), annual leave (week 21), familiarisation period (minimum four weeks), crime investigation course part I (five weeks), community involvement (one week, weeks 32-33), continuation training classes part I (weeks 33-50), street duties course part II (within weeks 51-60), continuation training classes part II (weeks 61-86), final probationers' examination (within weeks 87-103) and confirmation of appointment as a constable.

The Police Staff College, founded in 1948, provides higher training for the police service, and is situated at Bramshill House, in Hampshire. The College offers several courses as follows:

(a) The Special Course: This course was set up in 1962 at a time when there was an urgent need to attract young men and women of suitable calibre and with the ability to accept the challenge of accelerated promotion, to fill the highest ranks in the service. It is intended to provide 60 places per year for officers with ambition, ability, and the potential to achieve high rank in the service. In addition, a further 20-25 places were added when the Graduate Entry Scheme was introduced in 1968 to attract recruits with higher educational qualifications (Police Staff College 1990b: 1; Chiang 1989b: 38-42 and 1991i: 71-76). It is possible for an officer to qualify for admission to this course before the end of third year of service. Constables selected are promoted to the substantive rank of sergeant to gain at least 6 months' operational experience in that rank before the course. Part I of the course comprises a 3 month programme of assessment and development and preparation of a development plan which the officer then pursues in his own force for one or two years under guidance from the force and the College. Subject to passing the qualifying examination for promotion to inspector and being deemed suitable by their chief constable and the directors of the Special Course, officers then join Part II of the course as temporary inspectors. This 6 months' programme prepares the officer for the operational role of inspector and gives an insight into the role and responsibilities of senior officers. On satisfactory completion of the course, officers are promoted and after 2 years' further experience should be regarded as strong candidates for chief inspector (Home Office 1989b: 4; Chiang 1989b: 38-46).

(b) The Junior Command Course: This eight-week course accepts all newly promoted chief inspectors to assist them in moving from a supervisory role as an inspector to the first level of the command ranks. It lays the

foundation for subsequent training while at the same time emphasising the importance of self-development through counselling and the preparation of action plans at the end of the course (Chiang 1989b: 38-46; Police Staff College 1990a: 7 and 1990c: 1). Selection for the course is by chief officers, subject to final review by the Police Staff College. There were 233 in 1987, 361 in 1988 and 350 in 1989 who attended this course.

(c) The Intermediate Command Course: This is directed at superintendents who have the potential for the rank of chief superintendent and priority is given to applicants who are likely to achieve promotion in the near future. In most police forces, the role of the chief superintendent has become more significant and demanding. A common function of the rank is to act as a bridge between the processes of policy formulation and policy implementations. The new course was introduced in March 1989 following research during 1988 into the changes which have been made to the extended interview process for selection for the Senior Command Course. In order to identify chief officer potential, officers who attend the Intermediate Command Course appear for extended interview three to nine months after the end of the course (Police Staff College 1990a: 7 and 1990d; Chiang 1990g: 67-71 and 1991i: 71-76). There were 143 in 1987, 144 in 1988 and 136 in 1989 who attended this Course.

(d) The Senior Command Course: In 1988 it became clear that the ten-year-old format of the course was no longer appropriate and a replacement would be needed for 1989. With the aid of Her Majesty's Chief Constables, a new course was designed and organised for implementation in April 1989. The new course focuses upon the role of the chief officer team in a police force and its responsibility for policies and strategies. It aims to produce potential chief officers who have the capacity to exercise top level police command and successfully to manage a large organisation in an environment that is fast moving, cost conscious, complex and challenging (Police Staff College 1990a: 7 and 1990e; Chiang 1990g: 67-71 and 1991i: 71-76).

(e) The Overseas Command Course: This course was introduced in 1970 although overseas officers had attended Bramshill for some years prior to then. Since that time, more than 700 students from over 70 countries have attended the course. Three courses are run each year for up to 15 students drawn largely, but not exclusively, from the Commonwealth. The course lasts for 11 weeks. A typical course would contain students from the Caribbean, the Middle East,

Africa, India, Pakistan, Bangladesh, Asia and the Pacific. In 1989 40 officers attended this course.

(f) The European Courses: Two courses are specifically aimed at improving working relationships with other European police services. The English Police Studies Course, held annually at Bramshill and of six weeks' duration, has become well established over the past ten years. All member states have sent students, and a typical course would include eighteen students from eight countries. The Bundeskriminalant Course is modelled on the English Police Studies Course but with its main function being of crime, terrorism and drugs. It plays a valuable role in forging links between the British police and the national criminal investigation organisation in Germany.

(g) The Carousel Programme of Courses: As a result of two users' conferences convened in 1988, the Carousel Programme was replanned to make it more responsive to police service needs. In 1988 the Carousel programme offered 30 different courses which were attended by 1,369 students. It is now grouped into 6 main areas: crime, police and public, career development, special skills, computer technology and management. All these courses last from two days, for example, budgeting, understanding financial control and financial management, to twenty days, for example, investigative techniques in computer crime.

5.6 Recent Challenges to Policing in England and Wales

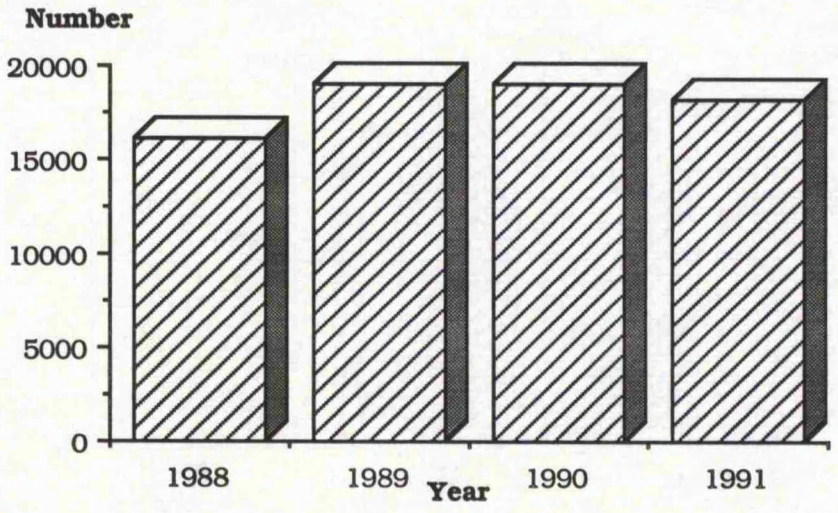
The serious challenges which the police in England and Wales have recently faced can be outlined under six headings: assaults and murders, terrorism, increasing levels of crime, police accountability, disorder, and the image of policing.

(i) Police Assaulted and Murdered

There were 19,047 assaults on police officers in 1989 in England and Wales, an 18 per cent increase over the 16,090 in 1988. The total of recorded assaults on police in 1990 was 19,072. (*Police Review*, 5 July 1991: 1364-1365, *Observer*, 8 September. 1991: 8). During the ten days from December 23 1991 to January 1 1992, 744 officers were assaulted, of which 220 needed medical treatment and 42 were detained in hospital (*Police Review* 24 January 1992: 144-

145 and 13 March 1992: 469). The number of assaults averaged 74 a day, compared with 51 a day through 1990 (*The Times* 21 January 1992: 5, *Police Review*, 5 July 1991: 1364-65). There were 18,256 assaults on police officers in 1991 in England and Wales. Although the total number of officers assaulted fell by nearly 4 per cent on the previous year, it resulted in 1,300 officers being the subject of fatal or serious assaults and 53,600 working days being lost due to assaults (*Police Review* 19 June 1992: 1211; Home Office 1992a: 36; see Figure 5.5).

Figure 5.5 Police officers who were assaulted in England and Wales 1988-1991



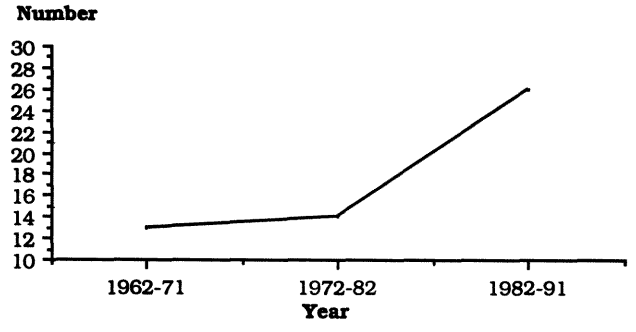
Source: Observer 8 September 1991: 8; Police Review 5 July 1991: 1365 and 19 June 1992: 1121

Figures compiled by the Inspectorate show 14,100 assaults on officers in provincial forces in 1989; more than 2,200 up on the previous year. The number of officers attacked represented about 14 per cent of the provincial strength. The Metropolitan total of 4,955 assaults showed a rise of 17.8 per cent over the 1988 figure of 4,206. The HMI figures for provincial forces included two deaths, 1,200 serious injuries and 6,800 minor injuries. These figures meant that 14.9 per cent of those most at risk—all ranks up to chief inspector—were assaulted during the year. However, the risk of assault rose to 19 per cent, almost one in five, for operational officers on patrol and those dealing with crime and traffic. The survey showed that on average one in every 5.6 assaults leads to a period of sick leave. The 14,100 assaults in provincial forces in 1989 meant a total of 43,500 days' sick leave—approximately 190 working years lost through assaults. This was borne out by the ages of officers who were the victims of assaults. More than 8,000 were under 30 years of age. One in five of those aged 18 to 20 was attacked;

and three out of ten of the officers aged 21 to 25 were assaulted. With officers over 30, the assault rate was one in ten (*Police Review* 1 June 1990: 1080-1081 and 25 January 1991: 169, *Police* May 1990: 9 and June 1990: 4). It is interesting to note that the Criminal Injuries Compensation Board (CICB) was established by the government in 1964 to compensate the victims of criminal assaults, but the largest single group of claimants have been police officers (*Police* December 1990: 40 and September 1983: 8-10).

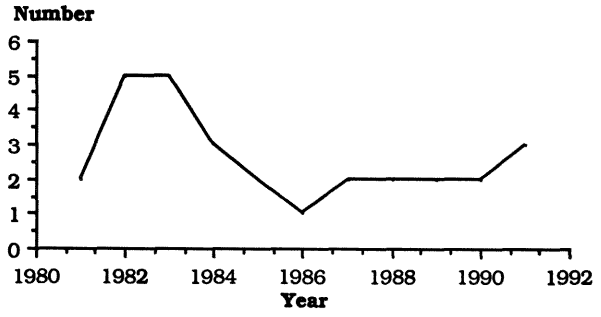
There were 53 police officers murdered as a result of criminal action between 1962 and 1991: 13 of them between 1962-71, and 14 of them between 1972-81. This increased sharply to 26 between 1982-91. (*Sunday Times* 22 December 1991: 1.2; see Figures 5.6 and 5.7).

Figure 5.6 Police officers who have been murdered in England and Wales 1962-1991



Source: Sunday Times 22 December 1991: 1.2

Figure 5.7 Police officers who have been murdered in England and Wales 1981-1991



Source: Sun 15 September 1989: 5; Police Review 31 August 1990: 1705; Obtained by reviewing the journals and newspapers—author

(ii) Terrorism

From 1921 until 1972, Northern Ireland was governed by its own Parliament at Stormont. The state had its own government, its own Prime Minister, its own royal representative in the form of a governor, who lived in a mansion in Hillsborough, County Down, and its own police force, which was state-controlled and directly accountable to the Minister of Home Affairs. To all intents and purposes, Northern Ireland was able to run its own affairs, with virtually no interest or interference from Westminster until 24 March 1972. Since then, however, it has been governed from Westminster through a Secretary of State. The total population of Northern Ireland is about one-and-a-half million and is divided roughly in the proportion of two-thirds, who are protestant, and one-third who are Roman Catholic (Oliver 1987: 117-118). The unionist parties, primarily supported by protestants, support continued attachment to the United Kingdom; the Social and Democratic Labour Party (SDLP), supported by some Catholics, is a nationalist party committed to unification of Ireland by peaceful means. Sinn Fein is a republican party, committed to the unification of Ireland, and is described as the 'political wing' of the Provisional Irish Republican Army (IRA) which has been conducting a terrorist campaign to achieve unification (Benyon, Davies and Willis 1990: 84; Clutterbuck 1990: 70-72 and 85-89).

Northern Ireland has been the scene of terrorist outrages and serious disorder, called 'the Troubles', since 1968 (Benyon, Davies and Willis 1990: 85). The terrorist activities of the IRA not only occur in Northern Ireland but also occur on mainland Britain, and continental Europe (*TheIndependent* 23 September 1989: 3; *The Times* 23 December 1989: 3 and 18 June 1990: 2). For example, one U.S. citizen was killed on 17 December 1983 during the bombing of Harrod's Department Store in London (Stone 1987: 19). The aims of a terrorist group may include a number of specific objectives, such as: to influence government policy; to overthrow government; to commit criminal acts; to influence international opinion; to intimidate and create fear through shocking acts; to cause political change. The actions of terrorists may include: assassination (murder); hijacking; kidnapping; hostage holding; bombing; arson; armed attack; extortion. The areas of specific concern to law enforcement in a potential terrorist incident are: government facilities and officials; transportation operations; utility operations; border security; the private sector. (Colewell 1988: 45-51).

Obvious examples of terrorist attacks in Britain since 1984 include: five killed and 34 injured in the bombing of the Grand Hotel at the Conservative party conference in Brighton on 12 October 1984; a bomb explosion at the Royal Marines School of Music, Deal, Kent in September 1989, in which eleven died and 60 were injured (*The Independent* 23 September 1989: 2; *The Times* 4 January 1991: 3); Ian Gow, MP, killed in a car bomb attack outside his home in Hankham, East Sussex in July 1990 (*The Times* 4 January 1991: 3; *Sunday Times* 14 July 1991: 1.2); a machine-gun attack on Sir Peter Terry, former governor of Gibraltar, at his home in Staffordshire on 18 September 1990 (*Leicester Mercury* 19 September 1990: 1; *The Times* 4 January 1991: 3; *Sunday Times* 14 July 1991: 1.2); the IRA mortar attack on 10 Downing Street in February 1991 (*The Times* 8 February 1991: 1 and 28 December 1991: 16), while the War Cabinet was in session; one man killed and 43 injured when an IRA bomb exploded at Victoria Station during the morning rush hour in February 1991 (*The Times* 19 February 1991: 1 and 28 December 1991: 16); an IRA bomb explosion in a lavatory on a platform at London Bridge Station at the height of the morning rush hour, injuring 29 people, closing every mainline station in the capital and halting the underground system for hours in February 1992 (*The Times* 29 February 1992: 1); three people dead and at least 52 others, including children, injured after an IRA 100 ib van bomb sent aftershocks through buildings in the City of London in April 1992 (*The Times* 11 April 1992: 1).

According to the Inspectorate's 1991 Annual Report: there were 59 terrorist related incidents in 1991, most of which involved the use of incendiary devices. It has been several years since the terrorists last employed this method to attack property on the mainland (Home Office 1992a: 29). The *Independent*: stated:

> The IRA was better armed than ever, and intent on making this a year to remember in terms of violence. With an extraordinary Libyan-supplied armoury which included mortars, rockets, an estimated 1,000 rifles and, very probably, anti-aircraft missiles, the IRA seemed set to do more damage than in 1988, when it killed more soldiers in Northern Ireland than in any year since 1979. IRA attacks in Britain have been going on since 1972, killing more than 100 people and injuring more than 1,000 (*The Independent*, 23 September 1989: 3).

Their targets include police stations; military bases; government buildings; Crown Prosecution Service; railway stations; underground stations; stores; shopping centres; clubs; galleries; hospitals; hotels; theatres; aircraft; and 10 Downing Street. The IRA also terrorised people up and down the country

with a fire-bombing campaign which caused hundreds of thousands of pounds worth of damage and considerable disruption to the lives of millions.

Terrorism is arbitrary and unpredictable. Victims include police officers, soldiers, military commanders, government officers, and politicians, but 'killing and maiming innocent civilians is an inevitable, unavoidable part of the IRA campaign, so the victims also include tourists, building workers, babies, etc' (*The Independent* 28 October 1989: 1). Although the IRA's declared policy is to avoid civilian casualties, its attacks have claimed the lives of scores of ordinary people in the past 20 years. According to the *Sunday Times*: 'There have also been errors in Northern Ireland. For example, in the past three years, 12 women, half of them pensioners, have been killed by the IRA. All of these deaths have been described by the terrorists as "mistakes". Their regular "apologies" for these "tragic" errors are a recurring feature of Ulster's black vocabulary' (*Sunday Times* 17 June 1990: 1.16). As well as the IRA, according to the Chief Constable of the RUC, Hugh Annesley:

> Loyalist Paramilitary activity was also a cause of serious concern to the RUC, all the more so with evidence of their acquisition of modern weaponry and their production of home-made sub-machine guns. The police and army are impartially committed to combating all forms of terrorism and this was evidenced in the arrests of loyalist and republican activists and the seizure during the year of 489 weapons, 105,000 rounds of ammunition, and nearly 5 tons of explosives and other materials. The number of weapons found was the highest since 1977 (*Police* March/April 1989: 14).

According to Maguire:

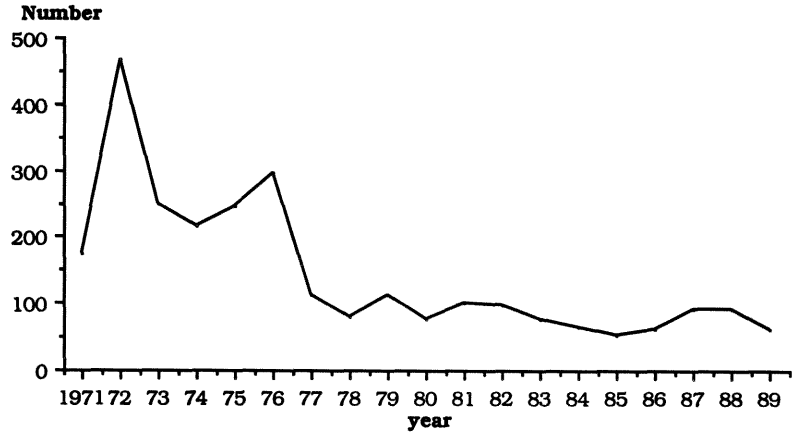
> In the 1980s, both Ulster Loyalist and Irish Republican terrorist groups had a number of their members convicted of dealing in drugs, the proceeds of which were to be used to buy arms and ammunition. Loyalist terrorist groups have relied on criminal middlemen to obtain weapons from the Middle East and their members both in Northern Ireland and the British Mainland have become more involved in drug-dealing in the last few years. Members of the IRA have used Mafia contacts in the United States of America to acquire arms, ammunition and timing and radio control devices. Furthermore, members of the IRA have also taken part in activities along with figures in organized crime in order to smuggle weapons and drugs (Maguire 1991: 66-69).

Annesley's report for 1990 records that 65 people were killed by Republican and Loyalist groups, eight more in total than in 1989. Of that number, 46 were killed by Republicans (*The Times*, 6 July 1991: 3). Violence, distrust and envy have combined in Northern Ireland to make the Royal Ulster Constabulary (RUC) a unique police force—self-sufficient and alienated from its

community to a degree remarkable even in the clannish world occupied by policemen everywhere. Every member of the 13,000 strong force is a target for gunmen 24 hours a day; even retired offers have no immunity. Policemen live in specially secured houses; they check endlessly for booby-trap bombs; wives must hesitate before inviting neighbours home; children must lie about their father's occupation (*The Economist*, 10 February 1990: 33).

The police forces in any country operate within the context and the climate of political conditions and stability of that country. Their task of enforcing law and order is inevitably affected by social, economic and other circumstances arising out of these general conditions and it must be more difficult in an unstable situation. Due to the involvement of the complicated factors of political, religious, and historical backgrounds, according to the statistical data from August 1969 to 20 December 1990, there were 2,848 people killed in Northern Ireland, 182 of them members of the RUC, 96 of them members of the RUC Reserve, 429 soldiers, 189 members of the Ulster Defense Regiment (UDR), and 1952 of them civilians. Furthermore, over thirty-three thousand people were injured in the same period and in the same area (RUC statistical data; *The Times* 23 December 1991: 16; see Figure 5.8). This not only makes Northern Ireland one of the most violent places in the world (*Sunday Times*, 16 December 1990: 1.22), and also means the government, police and public of Britain face a very serious challenge.

Figure 5.8 Victims in Northern Ireland since 1971



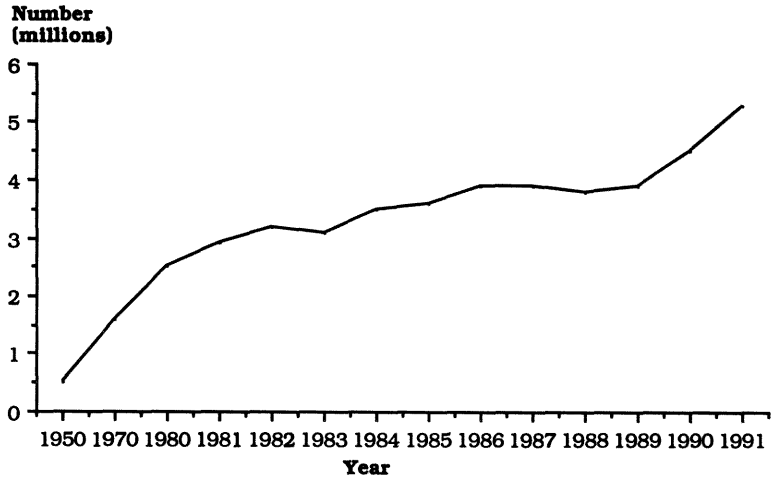
Source: RUC statistical data 1990; The Times 23 December 1991: 16

(iii) Increasing Levels of Crime

Crime can be caused by social change; it can be increased by legal change; crime is one price for freedom and at times the means of securing progress (Alderson 1979: 111). Recorded crime in England and Wales has increased by an average of 5 per cent a year since 1950, although there have been a few years when the figure declined. But the trend in England and Wales is now apparently inexorably upwards. Crime last dropped in 1988, by 5 per cent, the biggest fall since the 1950s. It rose by 4 per cent in 1989 (*The Times* 27 September 1990: 4), and has risen in each subsequent year.

In 1982 the level of recorded crime reached 3 million for the first time. In 1990 it reached 4.5 million, a rise of 17 per cent over 1989. In 1991 it reached nearly 5.3 million, an average of 600 crimes an hour. This represented a 16 per cent increase on 1990 (see Figure 5.9).

Figure 5.9 Notifiable offences recorded in England and Wales since 1950



Source: Home Office 1991a: 1 and 1992b: 15; The Times 27 June 1991: 5; Police Review 13 March 1992: 470

All the 43 police forces in England and Wales recorded increases in 1991, but the 16 per cent overall rise disguised wide variations. Cumbria recorded a rise from 33,300 in 1990 to 45,000 (up 35 per cent) while Suffolk's figure rose from 37,700 to 39,900 (up 5 per cent). According to Johnson:

> against this backcloth of declining public support, traditional values have eroded and crime has risen inexorably. These trends, which have their origins in the immediate postwar years which witnessed rapid affluence, became a national concern in the 1960s when recorded crime first reached 1 million. It increased to two million by the 1970s, three million by the early 1980s, and four million in 1990. This concern has been compounded by the findings of British Crime Surveys which indicate that recorded crime is simply the tip of the iceberg and that by far the majority of crime goes unreported by the public (Johnson 1991: 204-215).

According to Reiner: 'Almost all chief constables believed that crime was now a greater problem than when they had joined the police. This was claimed by 83 per cent of them, with only 7 per cent arguing crime was not a greater problem (the other 10 per cent were undecided)' (Reiner 1991b: 127)

(iv) Police Accountability

The question 'Who controls the police?' has been asked since the 'modern' police was set up in 1829. As the role and powers of the Home Secretary have increased so a number of conflicts have occurred between police authorities, chief constables and the Home Office. A number of examples can be cited:

(a) With complaints about the expenditure on policing the miners' strike of 1984-85, the Great Manchester Police Committee decided that it was necessary to scrap the police band as a part of a cost-cutting exercise brought about by the increased expenditure attributable to policing the strike. The police committee took legal advice and concluded that the deployment of officers in a band could not be described as an operational decision, and therefore it was entitled to instruct the chief constable to employ the officer-bandsmen in a different way, and to save money by cancelling that particular activity. The chief constable objected to this and to other actions which he regarded as an intrusion into his direction and control of the force. This resulted in a strong disagreement between him and the committee. It was later reported that Her Majesty's Chief Inspector of Constabulary for had given advice to the chief constable that the band could not be regarded as being necessary to the operational efficiency of the force. The response of the chief constable was to request of the Home Secretary a 'clear definition' of the powers and responsibilities of a chief constable; the matter was reported to be 'under consideration' by the Home Secretary in consultation with his professional advisers.

(b) Financing the additional costs of policing the 1984-85 miners' strike and the political dimensions in South Yorkshire led to serious conflict between the police authority, the chief constable and the Home Secretary. The South Yorkshire County Council and police authority were Labour-controlled, and they passed various resolutions which 'gave full support to the miners in their struggle'; 'asked the chief constable to withdraw from national guide-lines on mutual aid'; 'asked the chief constable to refrain from allowing officers from South Yorkshire to leave the county for the purposes of giving aid to another force'; stated that 'no additional cash would be found for policing, and that all additional commitments which the chief constable undertook would have to be financed from within the existing budgetary provisions'; and 'invited the chief constable to carry out a joint study with a firm of management consulants into working arrangements for the deployment of all police manpower in the most economical, efficient and effective manner'. The chief constable declined to comply with this request on the grounds that the deployment of manpower was his responsibility. At the time strong criticism of police tactics was levelled against the chief constable by the police committee, and elected members described the use of horses, dogs, and protective equipment as provocative and brutal. The chief constable was called upon to withdraw police officers from Orgreave, and was called upon to exercise his power to prevent the conveying of coke from Orgreave and that the payment to bills concerning the mining dispute be not paid; also to withdraw South Yorkshire officers from the Regional Crime Squad and to deny approval for any police officer to be seconded to the Regional Police Training Centre at Dishforth. This caused the central government to invoke the aid of the Attorney General, as guardian of the public interest, to take action against the authority to compel it to fulfil its obligations under the Police Act 1964 after it had passed certain resolutions which were designed to inhibit the chief constable in his law enforcement role (Reiner 1985: 194-195; Oliver 1987: 215-220; King and Brearley 1993: 35-39).

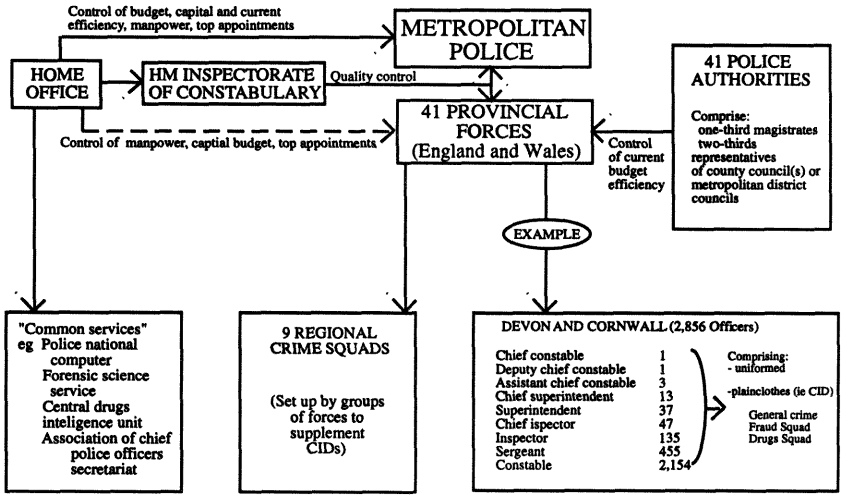
(c) A more recent conflict between the Home Office and a police authority was the appointment of the chief constable in Derbyshire in April 1990. The Home Office took the unprecedented step of rejecting a police authority's choice of a new chief constable. Mr John Weselby was appointed chief constable of Derbyshire by the Police Authority, but later was told that he was not acceptable for the position by the Home Office (*The Times*, 12 April 1990: 1 and 1 May 1990: 2; *Police Review*, 20 April 1990: 784-785 and 18 May 1990: 999). The only apparent reason for this decision was the good relationship enjoyed by Mr Weselby with the police authority (*Police Review*, 20 April 1990: 784-785).

Despite an appeal from the police authority, the Home Office continued to veto the appointment (*Police Review*, 4 May 1990: 885). The police authority, controlled by the Labour Party, sought a judicial review of the Home Office's action, but before this could proceed Mr Weselby withdrew his candidature. The post then went to Mr John Newing, a Metropolitan Police deputy assistant commissioner (*Police Review*, 18 May 1990: 990). Under the 1964 Police Act, the police authority has the duty of appointing a chief constable, but the appointment must be approved by the Home Secretary. Under the present system, police authorities advertise jobs from assistant chief constable to chief constable. The names of applicants are then sent to the Home Office where officials, including the Inspectorate of Constabulary, annotate the list. An authority will then be told by the Home Secretary whether he or she would be pleased to confirm the appointment of candidate A or B.

The Derbyshire appointment was the first occasion on which the two sides disagreed publicly, although there have been instances in the past when a local authority has refused to accept the Home Office list of approved candidates. Before Geoffrey Dear was appointed to the West Midlands, the police authority had refused to be limited to two candidates listed as suitable by the Home Office. Mr Dear had not then applied for the post (*Police Review*, 18 May 1990: 999). Police authorities are urging the Home Office to change the system for choosing chief constables and other senior police officers. The authorities are seeking greater power in the selection process. Furthermore, the Association of County Councils, covering nearly 40 forces, wants the Home Office to give selection committees information, at present confidential, on the careers and performance of candidates so that decisions can be taken more rationally. Members of the association argue that if police authorities are to fulfil their legal responsibilities and make their choices, Whitehall should ease control of the selection system (*The Times* 21 January 1991: 8). But the Home Office has always had the power to control short-listing as well as vetoing the outcome of interviews, and was the key determinant of the career paths by which candidates are seen to become eligible (Reiner 1991a: 234 and 1991b: chap. 5; see Figure 5.10). According to Sheerman:

> Over the last ten years the tripartite structure established between chief constable, police authority and Home Office by the 1964 Police Act has come under increasing strain as power has been centralised in the Home Secretary. This has been achieved in part by fiscal controls which have greatly reduced local discretion in the use of resources. Local police finance and manpower bids are now subject to a labyrinthine process which has stifled local initiative (Sheerman 1991: 195-203).

Figure 5.10: Controlling the Police



Source: The Economist, February 10, 1990, p28.

(v) Public Disorder

A principal function of the state is to regulate conflict and maintain order in society. The British state is widely regarded as having been successful in achieving these ends in the past: British historical development is frequently characterised as one of gradual evolution and relatively peaceful transition from one era to the next. However, even cursory examination shows that this rosy picture is wide of the mark, for British history reveals many instances of bloody civil tumult and disorder. Nevertheless, the years 1945—1980 were notable for the relative public tranquillity in British cities. There were, of course, many instances of violence but there were no riots in Britain's cities to compare with those, for example, in the 1930s—or with those that have occurred in the 1980s (Benyon and Solomos 1987: xi).

The 1980s and early 1990s were marked by a series of civil disturbances which included inner urban anti-police riots, football hooliganism, and major industrial disputes (Walsh 1989: 24). Some examples are:

(a) During the weekend of 10-12 April 1981 serious disorder in Brixton resulted in many injuries and widespread damage. On the Saturday evening of 11 April, 82 people had been arrested, 279 policemen were injured, 45 members of the public were known to have been injured (the number is almost certainly greater), 61 private vehicles and 56 police vehicles damaged or destroyed, and 145 premises damaged, 28 of them by fire. Further, the commitment of all available police to the task of quelling the riot and dispersing the rioters provided the opportunity, which many seized, of widespread looting in the shopping centre of Brixton (Scarman 1981: 14, 65; Benyon 1984: 38; D.Waddington 1992: 80-82).

(b) In the coal strike of 1984-85, the battles at the gates of collieries and coal depots included serious civil disorder. At the Orgreave coke store, 6,000 miners and 3,300 police fought to control the flow of supplies: in one day alone, 19 June 1984, more than 100 arrests were made and more than 80 people were injured (Geary 1985: 136-142; D.Waddington *et al* 1989: Chapter 2; Chiang 1990e: 119-144). The 1984-85 miners' strike was a profoundly traumatic experience for police officers at all levels. The prolonged dispute witnessed scenes of violent conflict between pickets and police which were without parallel in recent British experience (Reiner 1991b:182).

(c) A riot occurred in September 1985 in the Lozells Road area of Handsworth, Birmingham. It resulted in the deaths of two Asian men, Kassamali and Amirali Moledina, who suffered asphyxiation in their burning post office. 122 other people, mainly police, were reported injured and the value of damaged property was put at 7.5 million pounds. Further rioting occurred the next day when Mr. Douglas Hurd, the Home Secretary, visited the area. Other disturbances, widely regarded as 'copycat', were reported elsewhere in the West Midlands, for example in Moseley, Wolverhampton and Coventry, and in the St. Paul's District of Bristol (Benyon 1986: 3-4, Benyon and Solomos 1987: 5).

(d) In 1985, after serious disturbances involving English supporters at the European Cup Final in Brussels which led to the deaths of 38 spectators, an indefinite ban on English clubs taking part in European competitions was imposed by the Union of European Football Associations (UEFA) (Home Office 1990d: 464; Chiang 1990c: 66-70).

(e) On Sunday 6 October 1985, the most serious of the disorders occurred on the Broadwater Farm Estate, in Tottenham, north London, and during a night of extraordinary violence, PC Keith Blakelock was stabbed to death. A pathologist described the following injuries to PC Blakelock's body: 'a severe wound from across the right cheek to the back of the neck with accompanying fractures of the lower jaw; a knife with a six-inch blade buried up to the hilt in his neck; three stab wounds penetrating his lungs, and two other stab wounds; a hand wound probably sustained in an attempt to defend himself; thirteen cuts to his back; extensive grazing caused by being stamped on' (*Police Review* 29 November 1991: 2379; King and Brearley 1993: 50-52). 20 members of the public and 223 police officers were injured and 47 cars and some buildings were burned. Guns were fired at the police, causing injuries to several officers and reporters, and the police deployed CS gas and plastic bullets, although these were not used (Benyon and Solomos 1987: 7; *Police Review* 29 November 1991: 2378-2379). It was the first time in mainland Britain that firearms had been used by rioters against police (*Police* February 1988: 2 and May/June 1989: 26).

(f) On 15 April 1989, when Liverpool were to play Nottingham Forest in the FA Cup semi-final at the Hillsborough football ground in Sheffield, 95 Liverpool supporters were crushed to death, and nearly 1,000 supporters were injured or emotionally distressed by their experience in the tragedy. The disaster happened when Liverpool supporters gathered in Leppings Lane shortly before 3pm, when the match was to start. Police decided to open the gates because they feared that fans trying to enter the ground would be crushed against the turnstiles. A tide of spectators entered a tunnel leading to crowded terraces. A crash barrier collapsed and a 9ft high fence around the pitch trapped spectators. The disaster itself, for its scale and its circumstances, was one of the most vividly horrific of modern times (*The Times* 1 December 1989: 1; Graef 1990a: 38; D.Waddington 1992: 118).

(g) On January 24, 1987, there were 12,000 demonstrators gathered at News International's Wapping Plant in Wapping, East London, to mark the first anniversary of the Wapping industrial dispute. At the end of the night, more than three tons of missiles—including cast-iron railings, scaffolding poles, fence posts, ball-bearings and bottles—were collected. 194 policemen and 99 other people were injured (*The Times* 16 February 1990: 3 and 1 November 1991: 3; *Police* July 1986: 3). It also resulted in 185 people making complaints against the police, ranging from wounding and common assault to perjury and unlawful imprisonment (*Police Review*, 23 February 1990: 380-381).

(h) The Anti-Poll Tax riot on Saturday, 31 March 1990 resulted in 1,985 crimes reported on the day, including arson, burglary, and motor vehicle crimes. There were 408 arrests on the Saturday and 123 subsequently. 542 police officers were injured and there were 42 recorded complaints against police of which 8 required supervision by the Police Complaints Authority. The rioting lasted six hours, spreading through Shaftesbury Avenue and Soho before reaching Oxford Street. A number of shops were looted and cars set on fire. Damage to property cost well over 3 million pounds (*Police Review*, 6 April 1990: 680-81 and 693-95 and 8 March 1991: 464 and 476-7; Chiang 1991e: 86-91; D.Waddington 1992: chapter 1; King and Brearley 1993: 29-30).

People both in Britain and abroad were shocked by the series of urban disorders that occurred in the 1980s in Britain. There are many complicated reasons which can lead to a riot. According to Benyon:

> Many police officers, politicians and commentators claimed that the police were becoming the scapegoats for the disorder. Other opinion leaders argued that police behaviour was a central factor. Some saw police harassment as a primary cause of the riots: confrontation and provocation had led to the propensity 'to hit back'. Others considered that while police actions triggered off the events in Brixton and Toxteth, the fundamental causes were social and economic deprivation (Benyon 1984: 7).

After the Brixton disorder in April 1981, Lord Scarman was appointed to conduct an enquiry into the causes behind the riot. In his report he noted that good policing was pointless unless something was done about the basic flaws in society. His list of suggestions, prompted not only by Brixton but by a summer of further riots in 27 cities and towns, was far-reaching. They resulted in much of the content of the PACE, the setting up of schemes for lay visitors to police stations, the creation of the Police Complaints Authority, police consultative committees, more officers on the beat, more ethnic minority recruits to the force and action to improve inner-city areas (Scarman 1981: 120-193; *The Times*, 10 April 1991: 2).

The series of riots and disturbances in 1980s led to changes in police training, equipment, policy, and operations. According to Coyles:

> Public order has become a major operational commitment. We have had outbreaks of rioting, on a scale never seen before, in inner city areas like Brixton, Handsworth, Toxteth and Tottenham. In response, the police have been forced to organise themselves into squads, and support units, with more than 35,000 officers undergoing training in public order

tactics, and equipped for the first time in our history, with riot gear to protect them from missiles, including petrol bombs (*Police*, October 1991: 10).

(vi) The Image of Policing

According to a poll for BBC *Newsnight* in September 1989, almost one out of every two people had mixed feelings about the police, and two out of three believed the police bend the rules to achieve convictions. These results are hardly surprising in a month in which the Guildford Four had been released because of false police evidence, four West Midlands police officers had been charged with perjury and the Lord Chief Justice had freed three imprisoned football supporters because of the unreliability of police evidence. Compared to even a decade earlier, public faith in the police had plummeted. Compared to three decades earlier—at the time of the last Royal Commission on the service—respect has almost halved: from 83 per cent of the public to 43 per cent (*Sing Tao* 17 November 1989: 14; *Guardian* 18 November 1989: 12; *Sunday Times* 19 November 1989: B3). According to a survey by the *Independent* newspaper in May 1990, four out of ten people think that recent instances of police giving false evidence to gain convictions are 'the tip of the iceberg' and that many more instances of police malpractice go undetected or unpublished. The survey also showed that 25 per cent said they had little or no confidence at all, 29 per cent said they had a 'great deal' of confidence in the force and a further 45 per cent had a 'fair amount'. While half thought the police were inefficient, 41 per cent believed they did their job well. However, 39 per cent thought there was either a 'great deal' or 'fair amount' of corruption among police officers (*Police Review*, 4 May 1990).

Another survey, carried out for the Consumers' Association, showed that one in three doubted the fairness of police investigations, and nearly two in five expressed little confidence in the police complaints procedure. Furthermore, 65 per cent said the police needed to improve their image, although 73 per cent thought the service provided good value (*Police Review*, 11 May 1990: 936-937). According to a Home Office report published in September 1990, public confidence in the police 'has dropped steadily'. The report has showed that 85 per cent of respondents rated the police's general performance as good or very good. The first survey, in 1982, however, showed an overall figure of 92 per cent, and the second survey, in 1984, reported 90 per cent satisfaction. The report noted that the percentage of people giving the police top marks had fallen from

43 per cent in 1984 to 25 per cent in 1988. Furthermore, the percentage of people who believed the police were doing a very good job had declined most among their traditional supporters, such as women, the elderly and people who live in rural areas and small towns. A 'fair amount' of those who had contact with the police found satisfaction with the encounter (*The Times*, 19 September 1990: 3).

The number of complaints received by the police from members of the public has increased year by year, excluding the Metropolitan Police, there were 13,285 cases in 1987, 13,917 cases in 1988, 15,606 cases in 1989, and 16,913 cases in 1990. The complaints included assault; oppressive conduct/harassment; racially discriminatory behaviour; unlawful/unnecessary arrest/detention; perjury/irregularity in evidence; corrupt practice; mishandling of property; neglect of duty; impropriety in connection with search of premises; and irregularity in procedures (Home Office 1991b: 1 and Table 1 and 5). The most serious of the complaints were the Birmingham Six[5], the Guildford Four[6], the Maguire Seven[7] and West Midlands Serious Crime Squad cases. Police officers were accused of a catalogue of malpractices including fabrication; concoction; suppression; lying; blinkering judges; forcing confession; brutality; threats; inducements of evidence; collusion; deceit; and corruption (*The Times*, 20 October 1989: 1 and 15; 25 November 1989: 7; 8 March 1991: 4 and 28 March 1991: 3; *Sunday Times*, 3 March 1991: 15; *The Independent*, 20 October 1989: 1). The case of the Birmingham Six, like the earlier Guildford Four and the Maguire Seven, tested the British criminal justice system to its limit and found it wanting (*The Times*, 15 March 1991: 15). The three cases caused considerable damage to the reputation of British justice (*The Times*, 26 February 1991: 15). According to Lord Scarman:

> The three cases arose out of the IRA bombing campaign in London and elsewhere in England in 1974-75. The police were then under terrific pressure to make arrests and to secure evidence. We know now, after more than 15 years during which innocent people have been imprisoned for offences of which they are innocent, that the convictions in the Guildford case were wrong, and that vital evidence given in the Maguire and Birmingham Six cases was not safe and satisfactory' (*The Times*, 5 March 1991: 10).

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5 Six men convicted of killing 21 people, and injuring 162 people in the November 1974 Birmingham pub bombing.

6 Four men were jailed for life in 1975 after bombs killed five people in two pubs in the Surrey town.

7 Seven people convicted of running an IRA bomb factory in Northwest London.

5.7 Summary

This chapter has examined the establishments and organisation of the police in England and Wales, and analysed issues concerning police accountability, powers, conditions of service and training. It has also focussed on recent challenges to policing in England and Wales. Under the regulations of the Police Act of 1964, the police powers are distributed between the Home Office, Chief Constable and Local Police Authority. However as a result of continuous political, economic and social changes over the last three decades, the thirty year-old Act already cannot meet the needs of current society. According to the Times newspaper:

> The Police Act 1964 was a good enough answer for its time, but society has since changed almost beyond recognition. It is unlikely that a Home Secretary who asks the right questions about the West Midlands or Derbyshire forces would find himself stopping short of addressing the fundamentals, or of preferring the solutions which seemed best 30 years ago..... The time for a new royal commission on the police is fast approaching (*The Times* 7 December 1990: 5).

Policing in England and Wales is currently undergoing important changes as a result of these recent developments, and pressure for improved efficiency and effectiveness. The Sheehy inquiry on conditions of service is expected to produce its report in May 1993, and the Royal Commission on the Criminal Justice System, chaired by Lord Runciman, is also expected to report later in 1993. Moreover in the Spring of 1993 the Home Secretary, Mr Kenneth Clarke, announced that legislation would shortly be brought before Parliament to introduce reforms in police structure and organisation. Policing in England and Wales has developed considerably over the years in response to numerous challenges and concerns, and now seems set to change again as a result of political, social and economic developments. The changes of the British police system are more likely to move towards increasing regionalisation (Loveday 1992, King 1993a).

CHAPTER 6

A Comparison of the Use of Police Weaponry in Taiwan (ROC) and England and Wales (I)

Police use weapons when they are compelled to use force which is not allowed under normal circumstances and when they encounter special or urgent demands. For special objectives, they have the necessary authority to do this and this has been described as 'Police Emergency - Status Privilege' (Chen 1984: 428; Liang 1990: 10). Generally speaking, during the process of executing police duties, it is likely that resistance and barriers will be encountered in order to protect people's safety. Sometimes even their lives will be endangered or threatened. Police officers are likely to encounter a variety of dangerous situations during the course of daily patrols, but none is more potentially life threatening, nor evokes more fearful imagery, than facing a criminal who is armed with a gun.

Encounters with armed suspects occur in a wide variety of calls for police service, and outcomes in such situations range in nature from peaceful dispute resolution to life-and-death struggles between officers and citizens (Boylen and Little 1990c: 49). Police officers are protectors, empowered to defend individual liberty from being impaired by criminal behaviour. On the other hand, in using force, if necessary, to achieve the desired ends, they employ means which, if used by anyone else, would be unacceptable (P.Waddington 1991: 271). A routine assignment for a police officer can suddenly become a life-threatening situation. So, police weapons are allowed in order to achieve the goals of command, stopping by force, protection, defence, suppression and eliminating danger. Since the weapons used by police are a kind of forcible police power which is not used voluntarily, the weapons may affect people's lives and bodies, and strict limitation is put on police weapons to prevent police from abusing their powers and to protect human rights.

As already mentioned in Chapter 1, data was collected through a questionnaire. However, due to the fact that the use of weapons, and more particularly the use of firearms is a politically sensitive topic, creating considerable public and media interest and comment, and as a result of the sensitive nature of a number of the questions, many police officers were reluctant to complete the questionnaire. Despite circulating approximately 750

copies of the questionnaire to police officers in England and Wales, replies were received from only 16 different officers from 16 police forces.

While this represents a reasonable proportion of the total of 43 forces in England and Wales, as the overall response rate was low, the data are presented here in a simple, statistical form. There were insufficient data to give meaningful results for the answers to questions 2 and 12. Some useful data on laws, regulations and procedures are presented in this chapter and Chapters 7 and 8.

6.1 Questionnaire results

(a) Q. 27: The personal data of respondents

These sixteen questionnaires came from sixteen different police forces. The ranks of the respondents were: one ACPO rank; two chief superintendents; two superintendents; and the other eleven of ranks up to and including chief inspector. Their lengths of service were: one less than ten years; five between ten and nineteen years; and the other ten over twenty years. Furthermore, six of the respondents were AFOs, and a few more had been in the past. None of the respondents had ever fired a gun during an actual operation (see Table 6.1):

Table 6.1 The personal data of respondents

Force	Rank	Length of service (years)	AFO? (a)	Fired gun (b)
Bedfordshire	Supt.	19	No (was)	No
Cambridgeshire	Sergeant	9	No (was)	No
Derbyshire	Inspector	23	No (was)	No
Devon and Cornwall	Inspector	20	Yes	No
Greater Manchester	Inspector	20	No	No
Hampshire	Ch. Insp.	22	Yes	No
Hertfordshire	Inspector	28	Yes	No
Kent	Inspector	18	Yes	No
Leicestershire	Inspector	19	Yes	No
Merseyside	Ch. Supt.	30	No (was)	No
Metropolitan Police	A.C.P.O.	29	No	No
Surrey	Inspector	17	No	No
Sussex	Supt.	24	No	No
Thames Valley	Ch. Supt.	15	No	No
West Midlands	Inspector	23	No	No
West Yorkshire	Ch. Insp.	23	Yes	No

Notes:

(a) AFO: 'Are you an authorised firearms officer?'.
(b) Fired gun: 'Have you ever fired your gun during an operation?'.

(b) *Q. 1: What is the size of your force?*
Q. 3: How many officers in your force are authorised to carry firearms?

As shown in Table 6.2, the size of the sixteen forces from which questionnaires were received varied between 1,100 and 28,500. The proportion of each force which is authorised to carry firearms also varies considerably between only 1.79 percent in West-Midlands and nearly ten percent in Derbyshire.

Table 6.2 Ratios of AFOs to police officers

Force	Total Number of officers	Number of AFOs	Percentage of officers qualified as AFO
Bedfordshire	1,100	55	5.00
Cambridgeshire	1,250	100	8.00
Derbyshire	1,850	180	9.73
Devon and Cornwall	2,980	150	5.03
Greater Manchester	7,057	200	2.83
Hampshire	3,200	120	3.75
Hertfordshire	1,700	38	2.24
Kent	3,086	176	5.70
Leicestershire	1,827	100	5.47
Merseyside	4,800	350	7.29
Metropolitan Police	28,500	2,500	8.77
Surrey	1,707	63	3.69
Sussex	3,000	250	8.33
Thames Valley	4,000	n/a	n/a
West Midlands	7,000	125	1.79
West Yorkshire	5,700	150	2.63
Total	74,757	4,557	6.10

Notes:

(a) The information on total number of officers and number of AFOs in each force was supplied by the respondents.
(b) The respondent for Thames Valley Police did not give the number of AFOs in his force.

(c) *Q. 4a: Do you think this is the right number of AFOs, too many or too few?*
Q. 4b: Please give your reasons.

As shown in Table 6.3, eight of the respondents considered that the number of AFOs in their forces was 'the right number' while two of them said there were 'too many'. Their reasons included: (a) 'Too many abstractions from operational duties for firearms refresher training in a relatively small police force. A smaller, dedicated unit could be more highly trained'; (b) '99% of

incidents involving deadly force are finished before police attend, therefore there is nothing to be gained from the "just in case" mentality'. Six of the respondents considered there were 'too few' authorised firearms officers in their force. Their reasons included: (a) 'Not being permanently armed it is sometimes difficult to get a team of AFOs together, what with leave days, sickness, and courses. A greater number would give you more flexibility'; (b) 'the force (Hertfordshire Police) does not have a permanent firearms team; team members carry out normal police duties and are only called together when a situation demands. 38 officers is sufficient for "one off" firearms incidents when perhaps 8-10 officers would be used. It is the longer drawn out operations i. e. 24 hours or several days that requires the greater resources'; (c) 'even though the permanent issue of firearms is incorrect, we should have a capability of providing at least 4 firearms officers in each area from on-duty personnel at any time. This would require 20% of the police to be trained'; (d) 'increasing workload requiring armed officers means we often struggle to obtain staff without incurring overtime'; (e) 'the number of trained AFOs needs to reflect the foreseeable expectations/events involving police with firearms. Unfortunately this is almost unpredictable. Who knows where the next Hungerford will occur? The number of AFOs should however maintain a "minimum firearms cover capability". I believe ours does not.'; (f) 'experience has shown that at any given time there are insufficient firearms officers readily available to deal with a situation, necessitating calling people from their homes, with consequent delays'.

Table 6.3 Opinions on the number of AFOs

Response	No. of replies	% Rate
Right number	8	50.00
Too many	2	12.50
Too few	6	37.50
Total	16	100.00

(d) *Q. 5: Do you think that all British police officers should receive firearms training?*
Q. 5b: Please give your reasons.

Only two of the respondents considered that all British police officers should receive firearms training, on the basis that '... all police officers should have a basic knowledge of how to handle firearms ....'. On the other hand, fourteen of the respondents did not think that all British police officers should receive firearms training. Their reasons included: (a) 'there are a number of reasons: cost, training implications and maintaining our high standards are a few. It must be remembered that not all officers are suitable or willing to be trained and not everyone has the appropriate skills required to handle firearms. Mistakes would be too costly'; (b) 'a certain aptitude is required of firearms officers; current screening procedures show even those with enthusiasm or an interest in firearms are not always of the "right stuff". However, although they did not think that all British police officers should receive firearms training, seven of them considered that 'it is necessary to receive "awareness" training though this need not include range practice. The emphasis on tactics and safety is more necessary to preserve life and ensure a professional response to firearms incidents'.

Table 6.4 The opinions concerning firearms training

Response	No. of replies	% Rate
Yes	2	12.50
No	14	87.50
Total	16	100.00

(e) *Q. 6: What type of firearms does your force have available for use by officers?*

The responses to this question are reported later in this Chapter.

(f) *Q. 7: Would you like to see any changes or improvements to the firearms which are available, and if so why?*

Only one respondent thought there should be changes to the weapons available, arguing that 'the revolver should be phased out and replaced with

modern .9mm automatic pistols. The revolver is too heavy, carries too few shots and is bulky to wear for long periods'. Fifteen respondents were of the view that current weapons are suited to the task. They did not wish to see any changes or improvements to the firearms which are available. For example, the respondent from Surrey Police stated that 'the range of weapons available for use by our officers has been selected to ensure that we have a full operational capability to deal with any firearms incident. We are confident that we maintain that capability. Furthermore, the range of weapons is constantly reviewed to ensure that it is updated to cope with ever changing circumstances'.

(g) *Q. 8a: Do you personally believe that all police officers in England and Wales should be armed?*
Q. 8b: Please give your reasons.

None of the respondents believed that all police officers in England and Wales should be armed. Their reasons included: (a) 'to carry a firearm you need extensive on-going training on a regular basis and to a high standard. It is not feasible to give this level of training to all officers in view of the economics and time it would take with current staffing levels. Also not all the police officers are inherently suited to carrying firearms'; (b) 'not all police officers would wish to be trained in the use of firearms or carry them operationally'; (c) 'having a fully armed police force is both unnecessary and would be counter-productive in the move towards closer working with the public. Firearms are clearly required for specific incidents and circumstances. Currently these do not occur with a frequency to suggest that more officers need to be armed'; (d) 'well-trained small units/teams, the officers knowing each others' strengths and weaknesses, is far more efficient than very limited training for all personnel. The training implications for large groups of officers would almost be prohibitive to maintain the high standards required'; (e) 'it is unnecessary. It would destroy the traditional image of the British police and jeopardise the relations between the public and the police. The use of force, if required, should be relevant to the threat. Britain does not need this response yet'; (f) 'we police the community with their support. There is still no evidence to suggest that a fully armed police can be justified or is necessary'; (h) 'officers should be armed as a last resort. It is too easy to resort to solving the problem by use of a weapon if one is immediately available. Without the weapon there is a tendency to find or try to find other solutions first'.

(h) *Q. 9: At present, what is your understanding of the circumstances in which a police officer can use a firearm?*
Q. 10: What procedures must be followed before and after the use of a firearm?
Q. 11: Which laws regulate the police use of firearms in England and Wales?

The responses to questions 9, 10 and 11 are reported later in this Chapter.

(i) *Q. 13a: What are the procedures for issuing firearms in your force?*

The responses to question 13a are reported in Chapter 7.

(j) *Q. 13b: Would you like to see any changes in the procedures for issuing firearms in your force and if so why?*

Twelve of the respondents did not wish to see any changes in the procedures for issuing firearms. They thought that the recent procedures ensure that the system is not open to abuse, and that they work well due to a good call-out system. For example, in Surrey Police, 'There is always at least one ACC on call and available to authorise the issue of firearms. A similar on-call system exists on the territorial divisions, with the superintendent rank. Therefore there is no reason to change a system that works effectively'. However, four respondents did consider that the recent procedures for issuing firearms should change. Their opinions included: (a) 'the superintendent making tactical decisions on deployment should be responsible for authorising firearms issues. The ACPO rank should provide the strategic steer and set the parameters of police activity'; (b) 'the validation of the incident - that is the senior officer's assessment, is often not based on the principle of protecting the officer unless it is known that an offender has been shot. It is quite likely that fear [on the part of the senior officer] of being over-reactive to a situation or increasing statistics of firearms issues prevents them authorising an issue'; (c) 'the threshold of authorisation is too high. It should be the inspector's authorisation to deploy. Great danger is sometimes caused by the unwillingness of executive officers to deploy firearms against the wishes of the better informed operational commanders'; (d) [The procedures should be] 'more streamlined - it takes far too long to get hold of firearms for operational purposes'.

(k) *Q. 14a: Do authorised firearms officers receive sufficient training?*
Q. 14b: Please explain your answer.

Eight of the respondents were of the view that their AFOs receive sufficient firearms training, with one respondent saying he was unsure. 44% of the respondents considered that their AFOs did not receive sufficient training. Their opinions included: (a) 'there can never be enough training for part-time A.F.O.'s as familiarity with a weapon, its characteristics, etc., are essential. However, I recognise that over-familiarity can breed contempt. Good quality training and on-going assessment should prevent this'; (b) 'in this way officers can never receive sufficient training to equip them to shoot another person. All that can be done is to train them sufficiently to remember procedures under intense stress'; (c) '2 days every 3 months [Devon and Cornwall Police] is not enough, when senior officers expect you probably to kill somebody in the line of duty'; (d) 'those on the dedicated unit do but divisional containment officers do not. I would like to see them properly trained or not used at all'; (e) 'an efficient officer is one who will put into practice all he has been taught or adapt to the circumstances prevailing. The firearms training is infrequent, and testing does not relate to "real life" '.

(l) *Q. 15: If a police officer fires his or her gun what procedures must be followed?*
Q. 16a: If a police officer shoots a criminal or a third party what are the responsibilities of the officer involved?
Q. 16b: How is such a case investigated in your force?
Q. 16c: Are the injured parties, or their relatives, eligible to receive compensation?

The responses to questions 15 and 16 are reported in Chapter 8.

(m) *Q. 17: On average, what is your estimate of the number of armed police officers on operational duties at any one time in your force?*

Of the respondents who replied to the questionnaire nearly every force deployed armed police officers on operational duties 24 hours a day, reflecting the national position. Their duties include: mobile patrols (ARV); foot patrol in international airports; standing by /training reserve; and VIP, Royal Family or diplomatic protection.

Table 6.5 The number of armed police officers on operational duties at any time

Force	Total number of officers	Armed officers at any one time	Total number of AFOs
Bedfordshire	1,100	20-25	55
Cambridgeshire	1,250	5	100
Derbyshire	1,850	2 (at least)	180
Devon and Cornwall	2,980	8	150
Greater Manchester	7,057	20 (approx)	200
Hampshire	3,200	6 (at least)	120
Hertfordshire	1,700	unsure	38
Kent	3,086	30	176
Leicestershire	1,827	4-8	100
Merseyside	4,800	10	350
Metropolitan Police	28,500	500 (approx)	2,500
Surrey	1,707	0	63
Sussex	3,000	20	250
Thames Valley	4,000	70 (approx)	n/a
West Midlands	7,000	38	125
West Yorkshire	5,700	unsure	150

Notes:

(a) The total number of officers, number of armed police officers on operational duties at any one time, and numbers of AFOs in each force were supplied by the respondents.
(b) The respondent for Thames Valley Police did not report the number of AFOs in his force.

(n) *Q. 18a: Does your force have armed response vehicles on patrol?*
Q. 18b: How often are such vehicles in operation?
Q. 18c: What is your opinion of the use of such vehicles?

Eleven of the respondents replied that their force has armed response vehicles on patrol, and that the patrol is 24 hours a day, 365 days a year. Their opinions included: (a) 'an effective, economic and reasonable response to armed incidents can be provided. It also provides reassurance to other officers on patrol that an armed response is readily available'; (b) 'they are an excellent method of providing a fast response and early armed containment'; (c) 'they should be more widespread. We (Derbyshire Police) only have two for a county 32 miles wide and 56 miles long, which really defeats the object of an immediate response capability'. Five of the respondents' forces did not have an 'ARV'. They were Bedfordshire, Devon and Cornwall, Hertfordshire, Surrey, and Sussex forces. The respondents' opinions were (a) 'although the idea to use ARV is sound, there are some difficulties; (b) 'are they cost-effective? In that - what do the crew do when not involved in firearms incidents'; (c) 'personally, I feel the

use of an overt uniformed vehicle to respond to spontaneous incidents is a dangerous practice. They are driving into an uncontrolled situation in a high profile manner, which does little to protect themselves. A more covert, controlled approach would be better'.

(o) *Q. 19a: Do you believe that the murder or attempted murder of police officers is a major problem in England and Wales?*

Seven of the respondents (44%) thought that the murder or attempted murder of police officers is a major problem in England and Wales, but nine (56%) considered it as not. One respondent stated that 'it is very serious matter when it occurs, but I do not feel the number of murders/attempted murders has reached epidemic proportions. Obviously though, one murder of a police officer is too many'.

(p) *Q. 19b: Has the position deteriorated over the last 10 years and if so in what respects?*

Eleven of the respondents thought that the position has become worse over the last ten years. Their answers included: (a) 'criminals appear more ready to resort to violence. Also public order and drug associated problems have escalated'; (b) 'double the amount of police officers have been killed over the past 10 years' and 'terrorism has grown which has caused higher risks for police officers'; (c) 'social trends seem to have evolved whereby respect for authority has diminished. This has a knockout effect so far as fear of repercussions of unlawful behaviour is concerned'.

(q) *Q. 20a: If a police officer is murdered by criminals do you consider that adequate provision is made for his or her dependants?*
Q. 20b: Please explain your answer.

Nine of the respondents thought that there is a comprehensive welfare structure in place to support officers relatives if a police officer is murdered by criminals. Their replies included: (a) 'the force has a strong welfare system and nationally through pensions and allowances adequate funds are available'; (b) 'it is quite normal for officers to be fairly well insured against such an event. In any case, the Criminal Compensation Board will make substantial payments'; (c) 'the welfare considerations for family dependants of any police officer who dies, whether murder or accident, appear adequate. However, it would seem

appropriate to seek compensation from the criminal, responsible for murder, to enhance the financial needs of the officer's family'. Two of the respondents did not think that if a police officer is murdered by criminals there is sufficient provision made for his or her dependants. One opinion was 'the insurance and pension rights are sufficient, but should be doubled for an officer killed on duty'.

(r) *Q. 21a: Do you believe that more criminals are carrying guns than was the case ten years ago?*
Q. 21b: Please explain your answer.

A large majority of the respondents (88%) considered that more criminals are carrying guns than was the case ten years ago. Several important reasons included: (a) 'Home office statistics show an increase in the number of criminals carrying guns to commit crime'; (b) 'the evident increase in drugs-related crime has created a situation where carriers, pushers, users, etc. are arming themselves for personal protection and to protect their drugs or money. Armed crime is the root of a means to obtain funds to buy drugs'; (c) 'the increased I.R.A activity in the U.K. mainland and more media "hype" regarding the situation' (e) 'to quote Surrey Police area statistics, the instances of armed robbery have risen by over 300% between 1987 and 1992'. Two respondents were not sure whether there are more criminals carrying guns.

(s) *Q. 22: What do you believe should be done to deter criminals from carrying guns?*

The opinions included: (a) 'if a criminal carries a firearm or other weapon intended to be used to prevent arrest or to commit a crime this should be seen as an aggravated offence and the court should be severe in sentencing, even if they have to restore the death penalty. Publicity of this policy should be wide'. Eleven of the respondents had the same opinion. (b) 'mandatory sentencing for replica firearms and tight controls of firearms generally, including legal ownership'; (c) 'much more prescriptive security of weapons held by bona fide certificate holders and a refusal to grant a certificate where no really good case is argued'; (d) 'ensure society as a whole supports all its citizens and that the social structure removes the need for individuals to resort to criminal activities involving firearms. It's a social problem, not one that can be resolved by deterrents such as the death penalty'.

(t) *Q. 23a: Should the availability of firearms in Britain be more strictly controlled?*
Q. 23b: If so, how?

Ten of the respondents thought that 'the recent firearms restrictions already meet the correct balance. People lawfully in possession of firearms are not the problem. It's those who acquire them unlawfully'. Therefore, they did not believe that the availability of firearms should be more strictly controlled. On the other hand, six of the respondents did think that the availability of firearms should be more strictly controlled, especially the conditions to apply for a certificate. For example, the respondent of Surrey Police stated 'the reasons for being able to possess a firearm need to be tightened, thereby reducing the number of weapons in circulation'.

(u) *Q. 24: What action would you like to see taken to reduce assaults on police officers?*

Among the recommendations made by respondents were: (a) 'there should be a more severe sentencing policy for assaulting a police officer and perhaps there should be a financial penalty that the defendant must pay to the assaulted officer'; (b) six of the respondents thought that 'police officers should get better training in self-defence skills and in dealing with conflict situations (i.e. inter-personal skills training)'. One respondent considered that 'self-defence skills should be compulsory for all ranks up to superintendent with a set minimum level of expertise as a condition of continued service'; (c) 'a long-term strategy by national/local government, education, and welfare bodies to consider a way to return a sense of discipline to young people and parents to be responsible for their actions. The justice system on its own will achieve very little'; (d) 'police officers should get better equipment and better deployment'; (e) 'the police should get more support from the public at large and certainly more support from the courts as well'.

(v) *Q. 25: Please outline any additional weapons or equipment which you would like to see issued to British police officers on operational duties, and explain why:*

Nine of the respondents recommended that long batons, side-handled batons or different staffs/batons should be issued, because they considered that the present truncheon is inappropriate to deal with violent confrontations.

Four of them recommended that the police should introduce more non-deadly weapons, such as stun-guns and quick-kuffs. Three of the respondents recommended lightweight, stab-resistent vests and anti stab/slash gloves which give protection from knives/weapons. Better communications equipment for the police, improved personal communication skills for officers and greater availability of shield equipment were also recommended.

However, five of the respondents considered that the present weapons or equipment are already sufficient for the police officers to perform their duties, and one respondent stated 'the more we tool ourselves up the more detached we will become from the general public'.

(w) *Q. 26a: Do you foresee a time when all British police will be routinely armed?*
Q. 26b: If 'yes', in how many years do you think this will occur?
Q. 26c: Please explain your answers to 26a and 26b:

Twelve of the respondents (75%) did not believe that all British police officers will be routinely armed in the future. The main reasons included: (a) 'the British public do not wish to see all police officers armed, and the general public will not accept that. To arm all the police officers is unnecessary and cannot be justified and it would influence the relationship between the police and the public'; (b) 'the police themselves would resist this course of action'; (c) 'to arm all police officers would create problems concerning the cost and implications of training and the cost of weapons'; (d) 'the policy of the Home Office and local forces is to train less officers but to have those that are trained, more highly trained. It would be impossible for the force to change this policy in the foreseeable future'.

Only four of the respondents could foresee a time when all British police will be routinely armed. Two of them thought it would occur within about 10 years' time, with another two putting it 20 years' ahead. One respondent replied: 'we are no longer the traditional boys in blue, we are fast approaching a very violent and turbulent time and I believe the sooner the Dinosaur Era of senior officers realise this, the better it will be. They seem to be worried that the day they arm the British bobby is when it all falls apart. That time has arrived'. Other reasons for all the police being armed included: (a) 'the natural progression of firearms incidents over the past 20 years'; (b) 'the membership of the E.C. which means opening up internal E.C. frontiers'; (c) 'the growth of drugs-

related crime and increased terrorist activity'; (d) 'a shift in public/political opinion to support arming the police'.

(x) Q. 28: Are there any further comments or information which you would like to add?

At the end of quite a long questionnaire it was perhaps understandable that only two respondents added further comments. These were (a) 'there have been occasions when returning fire on a criminal could have been justified. However if you are given the correct training and consider tactics prior to confronting an armed criminal, it is not always necessary to fire even if they have shot at you. The popular myth is that police officers want to be armed (Federation, media, and a small percentage of police). My own research and observations are that only if shooting at police/murder of police becomes routine will the present policy of arming only a small percentage of police change. Additionally, all possible effort should be made to retain the traditional image of the police'; (b) 'I have had to deal with a number of firearms incidents as commander and have been very pleased with the service of the armed support group. I also dealt with some of the aftermath of the Waldorf shooting in 1983 and this has made me feel strongly against arming the police more than is absolutely necessary'.

6.2 The Tradition of Being Armed or Unarmed

(i) The Tradition in Taiwan (ROC)

Whether or not police carry arms will in general be determined by the nature of the society being policed, including its cultural tradition (Alderson 1979: 71). As discussed in Chapter 2, since the end of the Ch'ing Dynasty, the national strength of China had been weakened. Facing continuous civil war and war against foreign powers, social order deteriorated. At the beginning of the creation of the 'modern' police, some of whom had been transferred from the army, the main task of the police during that period was to maintain social order and to support the military, even to join the war at any time. Even after the National Government withdrew from mainland China to Taiwan in 1949, it was still at war with the Communist Government of mainland China, and the situation in the country was still one of emergency. In order to protect the safety of the small island, it implemented Martial Law and all the police were asked to

aid the military. Therefore, traditionally, the police are armed and every police officer receives firearms training and self-defence skills even in the present day.

(ii) The Tradition in England and Wales

As noted in Chapter 4, since the 'modern' police was established in London in 1829, the police have not generally carried firearms when on duty. The image of the amiable bobby, who policed public disorder by traditional methods and with good humour, is and always was a fiction; but fictions are important, for they are often the basis of legitimacy. Whether it is founded on fact or myth, the British police have succeeded in convincing articulate public opinion of their non-aggressive reputation (P.Waddington 1991: 256). This is totally different from the position in Taiwan (ROC). The idea of the restrained use of force is a unifying feature of conservative histories of modern British policing. From this perspective, the widespread cross-class hostility to the idea of a permanent, paid police force in the late eighteenth and early nineteenth centuries ensured that the resulting police force was unarmed, with limited special powers, and charged to use the minimum force necessary. This restrained approach quickly won over the middle classes, and eventually the 'respectable' working classes once the benefits of a more orderly and less crime-prone society became evident. The fears (of intrusion, surveillance, loss of liberty) were considered to have proved relatively groundless. With increased acceptance came a reduction in the sort of hostility and violence (from both sides) characteristic of early police-public contacts. According to this conservative history, the new 'maturity' in police-public relations inaugurated a 'golden age of policing', which in turn provided further vindication of the restrained approach (Jefferson 1990: 20-21).

In fact, however, the British police have had the experience of carrying firearms when on duty before and after 1829. For example, in 1805, fifty-four former cavalry troopers were recruited by Sir Richard Ford[1]. Their job was to patrol the main roads out of London and to keep them free of highwaymen; they were armed with a pistol, a cutlass and a truncheon (Home Office 1976: 12; NSY: Mounted Branch). The mounted police transferred into the Metropolitan Police in 1836, and because they had carried firearms for so many years, the commissioners probably saw no reason to take them away. By 1866, however, their cap-and-ball pistols were considered obsolete and withdrawn, thus ending

[1] The Chief Magistrate in Bow Street, London , during that time.

more than half a century of routine armed police patrol (*Police Review* 23 August 1991: 1716).

In 1884, after attacks on several officers by armed burglars, officers on night duty in suburban London were given authority to carry a revolver if they wished. The Metropolitan Police order read: 'Revolvers are only to be issued to men who desire to have them when employed on night duty, and who can, in the opinion of the divisional officer, be trusted to use them with discretion' (*Police* January 1991: 38). Commissioner Henderson directed his superintendents to select and train officers in the use of firearms. Eventually, 931 constables were issued with a revolver and, in July 1884, they were authorised to carry them on night duty (*Police Review* 28 February 1992: 391). Over the next few years similar instructions were issued by other forces. Essex Constabulary, for example, followed suit in 1884 (*Police Review* 23 August 1991: 1717). For the next half a century this automatic right remained in existence. The knowledge that officers could carry a firearm was sufficient for the right to be rarely exercised. But in London the right was replaced in 1936 by a requirement that a satisfactory reason be given for the issue of firearms. Many other forces followed suit. Authority for issue was normally vested in the station officer, usually a sergeant (*Police Review* 23 August 1991: 1717 and 28 February 1992: 391). A major change in the police use of firearms was seen as a result of the cold blooded shooting of three unarmed officers in London on Friday, 12 August 1966 (Ford 1990: 20). The armed response capability of every force was examined and as a consequence one commentator noted, 'As early as 1967 Bristol Constabulary formed a prototype armed police unit of forty men. Soon after, Leeds, Essex, Southend, Thames, the City of London, West Midlands, Lincolnshire, Northumberland and Lancashire followed suit' (Bowden 1978: 268; Ford 1990: 21).

The growth of armed crime and terrorism has led to further use of weapons, for if armed criminals are to be captured and the public protected from terrorists, it may be essential to arm at least some of the police some of the time. The use of firearms by the police has become increasingly evident in recent years. Some officers are virtually permanently armed, such as those engaged in diplomatic, royalty and ministerial protection (Special Branch bodyguards). Some officers at Heathrow and other major international airports[2] and Magistrates Courts now carry sub-machine guns openly, so as to deter an attack

[2] For example, Birmingham International Airport.

by terrorists (*Police* November 1987; P.Waddington 1988: 4; *The Times* 22 December 1989: 18 and 11 January 1991: 5; *Police Review* 13 March 1992: 476). Further some detectives are armed when on duty (*Police Review* 22 May 1992: 936). According to Alderson (1979: 71):

> The ideal civic condition is for an unarmed society to be policed by unarmed police. This has been one of the remarkable features of the British system which traditionally has been not only an unarmed one but has not had paramilitary back-up either. This achievement cannot be unconditionally guaranteed in the face of considerable change. The abolition of the death penalty, the availability of arms, the international mobility of armed terrorists and similar trends of recent years have made it necessary for the police to raise their armed response capability.

Today about 700 Metropolitan police officers involved in protection duties routinely carry .38 Smith and Wesson revolvers concealed in their pockets (*Police Review* 31 January 1992: 207). Furthermore, in 1988, there were 7,194[3] police officers who were authorised to carry firearms on duty (Home Office 1991e). P.Waddington has noted:

> The appearance of police officers openly and routinely carrying sub-machine-guns at international airports, or clad in protective clothing and carrying shields as they battle with rioters and violent pickets, has led to widespread public concern and anxiety. It seems that the traditional commitment of an unarmed police to the principle of 'minimum force' is threatened. It is feared that the British police may be abandoning their policy of 'policing by consent' in favour of an alien style of policing based upon coercion (P.Waddington 1991: 1).

According to Brewer *et al* 'the issue and use of firearms is one aspect of police militarisation' (1988: 24) and

> due to the recent increases in police powers; the evolution of reactive or "fire-brigade" policing; the adoption of unfamiliar crowd control equipment and tactics; the changes in public order legislation; instances of police violence; harassment and corruption; and evidence of racial prejudice; all these developments have served not only to place a strain on police-society relations but they have also reawakened doubts about the nature of the British state. Changes in the nature of public order policing, set against the background of continuing economic decline and the occurrence of bitter industrial disputes and violent street disorders, have encouraged the view that Britain is becoming increasingly authoritarian (Brewer *et al* 1988: 7).

However, although some police officers are virtually permanently armed, and as we discuss later, by 1991, there were already at least 24 police forces introducing armed response vehicles (ARVs), providing a 24-hour rapid response to firearms

[3] 5.8% of the total police strength in England and Wales.

incidents, they remain only a very small proportion of the total police strength in England and Wales. Generally speaking, the majority of the police in England and Wales are still unarmed when on duty.

6.3 The Advantages and Disadvantages of being Armed and Unarmed

There are advantages and disadvantages with both armed and unarmed policing. According to past research, recorded cases, and actual experience, the advantages and disadvantages we would suggest six main areas. Firstly, armed police appear to have more power and prestige, and it makes it easier for them to perform their duties. It also increases the feeling of security and confidence of the police themselves and the of public as well, and discourages unarmed gangsters to attack the police[4]. Furthermore, if a war occurs suddenly, the police can support the military immediately in war. In Taiwan (ROC), the police traditionally help other administration departments to perform their duties, for example, help the Ministry of Finance to collect the taxes and assist the Construction Department to prohibit illegal construction. However, although armed police may have more power and prestige, the use of weapons adversely affects the relationships with the public.

There are always some psychological pressures on police who are armed. Certainly, the police are always conspicuous owing to their uniform and their weapons. If in plain clothes, they must display their police I.D. card and explain their status to the public while on duty. Although they always carry firearms when on duty, they are often murdered or injured before using their firearms to defend themselves. According to research from the NPA (1984: 1-2), there were one hundred and eighteen police officers murdered or injured in Taiwan between 1 January 1981 and 30 April 1984, and 48 (40.67%) of them carried firearms but were murdered or injured before using their firearms.

The police have the responsibility of enforcing the law. When they enforce the law, in order to achieve the aim of protecting the security of society, they need to deploy such methods as intervention, prohibition, accusation or charge, arrest, search, and sometimes use of force. Although all these methods are regulated by law and accepted by the majority of the public, the police are

[4] For example, in Taiwan, the number of police officers who are assaulted by unarmed gangsters is less than 50 each year.

hated by various groups and gangs take revenge (*Police Torch* 1982: 1). Some traffic police officers were even hit and killed by taxi and lorry drivers as revenge for issuing traffic tickets (Wu 1989: 36-45; Chen 1992: 23-49). Another example is the case where an illegal businessman assassinated a police officer in the street at noon as revenge for having interfered in his illegal business (CDN 17 May 1991: 7; *Police Torch* June 1991: 6-7).

The police are public servants and should obey the law in order to enforce the law. The law limits police behaviour, especially when concerned with the use of firearms, but gangsters are not bound by these kind of restrictions. Although police carry firearms when on duty, they are always in a passive role—they only return shots when the potential or threatened use of firearms by the criminals poses a danger to the life of police officers or public. In a crowd, the police must consider the security of, for instance, bystanders, and hence tend to be far more cautious than criminals in the use of firearms which loses them time for retaliation and sometimes places themselves and the public at risk.

The decision whether to shoot is one which the police officer must make on his or her own. Every arrest is a stressful event that requires great judgement and control by the officer. If resistance to that arrest is offered, it must be responded to with the appropriate amount of force. Determining when to use which kind of force and how to use it sometimes leads to problems (Clede 1983: 65-66). According to Porteous (1987: 246-255):

> ... one of the main worries that the average police officer has when he finds himself in a situation where he may have to use his firearm is how his superiors, the press, and the courts will view his conduct later. The law seems to be that when he is faced with one of these 'agony of the moment' decisions, he is not expected to have hindsight and to consider the matter in an atmosphere of calm calculation such as lawyers, judges and juries are inclined to do in the Law Courts. To quote some famous words: "Detached reflection cannot be expected in the presence of an uplifted knife", and "One does not weigh the conduct of the accused in jewellers' scales".

Other public servants, when on duty, need only pen and paper. Police officers, on the other hand, need to carry firearms, walkie-talkies, truncheons, and other equipment. Besides the physical burden, there is also the psychological burden, which is often more serious. As already mentioned the NPA conducted a research in 1984, among 118 police officers who were murdered or injured between 1 January 1981 and 30 April 1984 in Taiwan (ROC), 37 (31.44%) of them did not carry firearms, although the police administration regulated that the police officers should carry firearms when on duty. Carrying

firearms when in the line of duty, despite being afraid of losing them or being robbed, creates the dilemma as to whether they ought to use them in a situation or not. Whether or not their use was justified, and even when they are used correctly, if someone is killed the police inevitably suffer psychologically. If the use is not correct, besides criticism from the public, relatives of the victim, and the mass media, they face a long series of investigations and judgements, and may need to bear the criminal, civic, and administrative responsibility. Furthermore, if they did not use their firearms but should have done so, they are also criticised by the public and the mass media. All of these affect the police officers themselves, their family and relatives, their colleagues and their police organisations.

Firearms are very important weapons to the police when on duty. If lost or stolen, the police would receive serious punishment. In order to prevent the firearms from being lost, or stolen, police officers must protect their firearms carefully, and they must remain highly alert all the time, which increases the psychological pressure on them, and the police are often wary of getting too close to the public. For example, they habitually turn their non-gun side towards anyone who approaches them, so as to keep the gun as far away from the approaching person as possible (*Police* February 1989: 36). Similarly, the public would also like to keep a distance from the police because they carry firearms. Firearms thus affect the relationship between public and police.

Due to the attitude, conversation or behaviour between the police and public when on duty, sometimes the police become irritated by a member of the public and draw their firearms and even use them. According to Ueng's research (1983), about 10% of shooting incidents are the result of the improper attitude, conversation or behaviour between the police and the public. Guns have a dramatic effect on the police's relations with the public. Just the sight of a gun in a holster is intimidating enough. Once drawn, even as a precaution, it is terrifying (*The Times* 4 January 1991: 11). Sometimes, unarmed members of the public are irritated by the police and try to combat the police, even steal the police firearms and shoot the police causing death or injury. Since the gun in the holster poses the danger of it being snatched, many officers take the view that in any kind of confrontation they might as well hold the gun in their hand and use it as a means of intimidation. The result is that a much earlier resort is taken to firearms use than is necessary (*Police* February 1989: 36). It possibly changes 'a no need to use firearms case' into 'a use firearms case', and results in loss of life or property.

If the police are unarmed, they do not have the same psychological burden, they look more like civilians, and they can easily enter the public circle. The public also like to get closer to the police, which is an advantage to the public and police relationship. Whitaker noted:

> Over twenty British policemen are injured on duty every day. The frequency of recorded assaults on the police has trebled since the Second World War. But it is still difficult to find police in Britain who want to be armed, although virtually every other national force in the world except for Norway and Sweden now is. Being unarmed is seen as a crucial benefit to the British police's relations with their public (Whitaker 1979: 49).

However, because the unarmed police lack the power and prestige, perhaps it could result in increasing the cases of police being assaulted. The unarmed police is perhaps one of the most important reasons why nearly twenty thousand police officers are assaulted in England and Wales every year, with those on uniformed street duties running a one in four risk of becoming the next victim (*Police* January 1991: 4).

The second main area of consideration regarding armed and unarmed policing advantages and disadvantages concerns where, if armed, the police are able to respond to firearms cases immediately, and they can support one another if any emergency incidents occurred[5], and are able to deter them immediately (*The Independent* 6 January 1990: 10; CDN 23 June 1992: 7). Therefore, armed police may be considered to offer better protection to the public's safety and to other rights and even to the police officers themselves.

The biggest disadvantage of the unarmed police is that they cannot respond to firearms incidents immediately. If they face an armed criminal and the criminal intends to shoot the police, they do not have any capability to protect themselves. They need to wait for the arrival of authorised firearms officers (AFOs), but this may be half an hour or even more. Incidents such as the Hungerford shooting have highlighted the problem of mobilising trained officers quickly enough. When Michael Ryan went on his shooting rampage on 19 August 1987, members of Thames Valley's TFU did not arrive at the scene until approximately half an hour after he had shot his last victim. He killed 16

[5] For example, mental illness or mental disorderly persons or criminals or someone dying of cancer carrying firearms to shoot the public at random.

people and wounded 15 more before committing suicide (*Police Review* 7 December 1990: 2407, 23 August 1991: 1717).

If an armed criminal shoots at a single police officer on patrol, and the first shot does not hit the target, the police officer does not have the capability to respond to the attack. According to the Times (7 January 1991: 2):

> A policewoman narrowly escaped death when an armed man shot at her from close range. WPC Jackie Holdsworth saw the man acting suspiciously in the early hours at Ruislip Road, Greenford, west London, and gave chase across a park. The man turned and fired at WPC Holdsworth with a pistol, missing her, before escaping to the Academy Gardens housing estate. Police searched the estate, but could not find the man.

Even when several officers are present, if one police officer is shot dead by the armed criminal, the other officer still do not have any capability to respond and stop the criminal. The most famous case was the 'Slaughter In Shepherds Bush' :

> On 12 August 1966, shortly after three o'clock that afternoon, three Metropolitan Police officers were travelling in an unmarked 'Q' car towards Hammersmith from Acton. They were DS Christopher Head, DC David Wombwell and the driver, PC Geoffrey Fox .... It was in this road that the three officers noticed a stationary, much battered Vanguard car with three men inside it. They decided to check the occupants, and Head and Wombwell got out of their car and approached the Vanguard. Wombwell asked the driver if the car was his and was told, "yes." The driver was asked why it was not displaying a tax disc, and he replied, "I haven't got one."
>
> Sgt Head walked round the car and spoke to the other passengers, saying, "Let's have a look in here." At this, the man in the passenger seat produced a handgun, and at point blank range, shot the officer in the back, killing him instantly.
>
> Wombwell immediately began to run towards the 'Q' car parked a few yards down the street. Two of the Vanguard's occupants got out, leaving the driver at the wheel, and ran after Wombwell. Each had a gun in his hand, and as the officer was grabbed by the third man, the one who had shot Head went up to him and shot him in the left eye. The other man ran to the car, used his gun butt to smash the glass of the driver's door, and shot PC Fox through the head.
>
> In the space of a minute, in broad daylight in a quiet London side street, three unarmed policemen had been slaughtered in full view of the other people in the street.(*Police* August 1986: 20).

In the above case, because the police were not carrying firearms the criminals could take their time to kill the police officers one by one. The police officers did not have the capability to protect themselves. After this case, one man who was deeply shocked by the tragedy, Billy Butlin, the multi-millionaire

holiday camp owner, gave the Home Office minister Lord Stoneham, an anonymous donation of £100,000 to start the Police Dependants' Trust (*Police* August 1991: 12).

Generally speaking, the police have an obligation to protect the safety of the public, but if an armed criminal is shooting the public, the unarmed police do not have the capability to deter the crime and to stop the criminal. They do not achieve their duty to protect public safety, and for the armed criminals it is easier to escape. The police need to take more time and spend more money to investigate these crimes and maybe escaped armed criminals can then commit more crime in the future and create more victims.

If a mentally-ill person or a criminal carries firearms to shoot the public at random, unarmed police can not deter them immediately, which may result in more danger to the lives of the public. A recent example occurred in 1991:

> On 20 June 1991, a local authority planning officer (Harry Collinson) was shot dead by a gunman (Albert Dryden) as he tried to enforce a demolition order on a bungalow built without permission. After shooting the officer, the gunman then fired on a crowd of journalists and police, injuring two men. All of this incident was recorded by the BBC, and BBC television later showed pictures of Albert Dryden, the bearded gunman, calmly aiming his weapon. He re-loaded, climbed over a fence, fired again and then aimed at the crowd of photographers, reporters, police and other onlookers who had gathered to watch the intended demolition of the house in Butsfield, near Consett. After killing Mr Collinson, Dryden turned his weapon on fleeing onlookers, hitting Police Constable Stephen Campbell, aged 22, in the back and a BBC local television reporter, Tony Belmont, aged 39, in the arm (*The Times* 21 June 1991: 1 , 3).

Because the policeman was unarmed, he could do nothing for the public, or himself. If an unarmed police officer faces an armed criminal, possible situations that could occur are as follows:

(a) Unarmed police may disarm an armed criminal and arrest him/her. For example, according to *The Times* (15 January 1992: 4): 'A man who threatened police with an air rifle and a pistol was overpowered by unarmed officers in Andover, Hampshire. No shots were fired but two officers were injured in the struggle'. This possibility seems more likely to result in the police being shot dead or injured. For example, PC Gavin Carlton, a West Midlands officer was shot dead as he pursued bank robbers. P.C. Carlton was unarmed and he knew the bank robbers were armed when he chased them (*Police Review* 28 September 1990: 1896).

(b) The armed criminal may escape before the appearance of the police. Armed and dangerous suspects know they can shoot without risk to themselves in order to avoid arrest (*Police Review* 2 August 1991: 1564).

(c) In order to protect their own lives or seek support from other officers, the unarmed police may escape from the scene.

(d) The unarmed police may surrender. For example, according to former Metropolitan PC Dave Brady QGM:

> The vast majority of my services were as an area car driver. Between 1970 and 1980 villains fired on me on six occasions. Two of these incidents stay in my mind. In one I was forced to kneel with a pistol up my nose while a gang made their getaway, the man holding the weapon having just shot another officer. In a later incident, when I was determined not to be similarly humiliated, I was shot. Though an 'authorised shot', I was never armed when it really mattered. We are probably the only law enforcement agency in the world in which the survival of its members is jeopardised on the altar of uninformed public opinion and politics. No police officer should have to suffer, on behalf of the public, the terror and humiliation of a smirking rogue pushing a revolver into his face without fear of retaliation, or, even worse, the shock of realising that he has actually been shot (*Police Review* 9 November 1990: 2210-2211).

There are various other examples, such as the two policemen who were held hostage at gunpoint in the back of their van for about 15 minutes after being called to a public house in south east London. In 1991, three detectives were also held at gunpoint and locked inside a flat while searching it for suspected drugs.

(e) The unarmed police may be shot dead or injured by the armed criminal. For example, Alan Jones, a Metropolitan sergeant was shot and seriously injured while questioning two suspects in December 1991. He lay bleeding profusely in a west London street for 45 minutes before he could be flown to the Royal London Hospital on the other side of the capital. A surgeon pinned and plated his thigh bone, which was shattered by the bullet (*Police Review* 23 December 1991: 2601). After the incident, he said that 'the routine arming of officers is inevitable' (*Police Review* 7 February 1992: 236). Another example is that on 14 September 1989, Inspector Raymond Codling of the Greater Manchester Police was gunned down by Anthony Hughes at point-blank range at the Birch service station on the M62, in the early morning. He and Sgt James Bowden, who was shot in the leg, had approached the man as part of a

routine check. Both of the two police officers were unarmed (*Independent* 16 September 1989; *Daily Mail* 15 September 1989: 1; *Daily Telegraph* 15 September 1989: 1; *Daily Express* 15 September 1989: 1).

If the latter three situations happened in Taiwan (ROC), the public would think 'If the police cannot protect themselves, how can they protect the public?' The police would feel that they had lost their honour.

In the 1980s, a series of disasters in London and the Midlands, including the shootings of Stephen Waldorf, Cherry Groce and five-year-old John Shorthouse, led to a reappraisal of the police firearms policy. Police forces moved away from relying on a corps of officers with basic training, who were called up from other duties when necessary, in favour of specialist armed units constantly at the ready. Forces also moved from basic handguns and rifles towards more sophisticated weapons, including pump-action shot guns. Police policy was refined even further after the 1987 Hungerford shooting highlighted the problem of mobilising trained officers quickly. P.Waddington argued:

> In the past, when an armed incident was reported the first police officers likely to arrive at the scene would have been unarmed. They would have done whatever they could to protect members of the public and contain the gunman, but their effectiveness in doing so was likely to have been hindered by their being unarmed. Moreover, these unarmed officers were highly vulnerable and may have fallen victim to a gunman, as did PC Brereton during the Hungerford massacre in August 1987 and PC Carlton who attempted to intercept armed robbers in Coventry in December 1988. When armed officers eventually arrived, they might have done so singly and have had to form themselves into pairs at the scene. This might have involved being paired with another officer whom they did not know, or had not worked with closely, or with whom they had not trained—an obviously unsatisfactory situation given the seriousness of the circumstances (P.Waddington 1991: 116).

In order to solve the problem of the slow response to the armed criminal cases, in 1989 Douglas Hurd, the Home Secretary, recommended:

> Specialist firearms teams, increased as necessary, should be given a more significant operational role; members of those teams should be on 24 hour call for firearms duties; their firearms duties should take priority over their other police work; but they should still perform other police duties when their firearms commitments permit' and 'This enhanced role for specialist teams should still be supplemented by an equitable distribution of AFOs throughout the force area (Home Office 1991e).

Therefore, by 1991, at least 24 police forces[6] had introduced armed response vehicles (ARV), providing a 24-hour rapid response to firearms incidents, with Nottinghamshire having had them since 1979 (*The Times* 28 November 1990: 8 and 10 May 1991: 3; *Police Review* 13 April 1990: 734 and 17 May 1991: 990). According to a survey conducted by this research, eleven (68.75%) of the respondents replied that their forces has ARVs on patrol, one of them believed that the ARVs are 'an excellent method of providing a fast response and early containment' (see chapter 6.1-(n)).

In the *Manual of Guidance on Police Use of Firearms* (MGPUF), Chapter 13 is the special regulation for the armed response vehicle or 'ARV'. An 'ARV' is a patrolling vehicle which contains an armoury. The vehicle is crewed by at least two uniformed police officers suitably trained in the use of the weapons and equipment to be carried in the vehicle. The equipment carried by the crews includes a planning board for positioning officers at the scene; body armour; a briefcase; plastic handcuffs; Hechler and Koch MP5 carbines; a first-aid kit; a spotlight; a ballistic shield; a loud hailer; a Glock pistol; an armoured bag for confiscated weapons; and a torch (*The Times* 10 May 1991: 3). The objectives of the 'ARV' are: (a) to provide an immediate armed response to incidents where firearms have been, are being, or are suspected of being used, or may be used; or where there is reason to suppose that a police officer may have to face a person who is armed, or otherwise so dangerous that he could not safely be restrained without the use of firearms; (b) following the issue of firearms to provide initial containment at such an incident pending the arrival of other firearms support, unless exceptional circumstances necessitate immediate action to save life or prevent harm or injury to any person.

It is not the function of the 'ARV' to undertake any pre-planned firearms operation, nor is it intended for them to be deployed as a substitute for a firearms team. The rule governing the issue of weapons inside the 'ARV' is:

> firearms and ammunition will not be released from the secure compartment in the vehicle without the authorisation of an officer of ACPO rank, except where delay could result in loss of life or serious injury, in which event an officer of the rank of chief superintendent or superintendent or in their absence an officer in charge of the force control room may give authorisation. In such circumstances an officer of ACPO rank will be informed as soon as possible.

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[6] According to the Annual Report 1991 by Her Majesty's Chief Inspector of Constabulary, there were 24 police forces introducing armed response vehicles.

It is recognised that there may be some eventuality where an 'ARV' crew unexpectedly encounter a situation where failure to make immediate use of the firearms in the vehicle would be likely to result in loss of life or serious injury, in such circumstances it is expected that the crew members would act accordingly and draw the weapons from the vehicle without further authority. However, where possible, the officer in charge of the force control room should be informed who must notify an officer of ACPO rank as soon as possible.

In London, the ARVs entered service on 1 July 1991. The Metropolitan Police was the 19th force to adopt such vehicles. 140 officers selected and trained by the Yard's SO19 (previously PT17) firearms unit provide three-officer crews for Rover 827 patrol cars. The cars carry two Heckler and Koch 9mm sub-machine guns firing single rounds, three automatic pistols, and body armour. The crews patrol as ordinary officers, but their main task is to contain any shooting incident until officers from within SO19 top grade arrive. According to Scotland Yard, between three and five cars are on patrol at any time. They are not be used for pre-arranged firearms operations. The Yard said that the units are alerted for any incident that calls for an armed response. The officers normally patrol unarmed and need radio authorisation from an officer equivalent to at least ACC to open the armoury. The records of officers joining the unit are closely vetted (*The Times* 10 May 1991: 3; *Police Review* 17 May 1991: 990).

Undoubtedly, the use of ARVs can provide an immediate armed response to incidents, and it also finds a balance for the British police between 'keeping the unarmed image' and 'dealing with the increasingly armed criminals'. But in London, only up to five ARVs on patrol in the capital at any time does not seem altogether sufficient..

The third main area of consideration regarding armed and unarmed policing advantages and disadvantages concerns where another disadvantage for armed police organisations is that police firearms are widely spread. This requires extensive regulation and management to ensure that the weapons are effectively controlled. Improper management may result in police firearms being mislaid or stolen, and it also makes it easy for the police themselves to take and abuse the firearms. For example, cases have been reported of police taking firearms to take revenge on their senior officers, colleagues, and the public, to injure or even kill them (*China Daily News* 25 October 1984: 5 and 8 January 1985: 5 and 12 February 1985: 5; *The Times* 5 February 1992: 1).

Drunken police have used their firearms to intimidate their senior officers (UDN 25 October 1984: 5), an officer was reported using firearms to fire warning shots to frighten his wife (*China Daily News* 17 October 1984: 5), arguments between officers have resulted in them pointing firearms at one another (UDN 11 January 1985: 5), and the police have been reported as stealing firearms and committing crimes or stealing firearms to support criminals committing crime (UDN 3 December 1984 and 3 March 1985: 5 and 7; and 12 March 1985: 5). According to statistical data, up until December 1982, there were 153 firearms taken from the military and police in Taiwan (ROC). This data has caused great concern within the government, the military administration, police administration and the public in general (*The Times Journal* May 1983: 25-27). These problems do not occur if the police are unarmed.

The fourth main area of consideration in this field where although armed police can respond to firearms incidents immediately, they still need to decide whether to shoot or not in a very short time. This can easily result in unnecessary shooting incidents, even in injury or death for the suspects, the bystanders, and the police officers themselves. For example, in Chicago, over the period 1974-1978, 187 police officers were shot—108 (58 percent) by civilians (17 of those officers died), 51 (27 percent) by themselves, and 20 (11 percent) by fellow officers, with unknown assailants for 8 (4 percent) of the officer victims. In all, 38 percent of the officers were shot either by themselves or their colleagues (Geller 1982: 158).

When the police are generally unarmed, as in England and Wales, before the AFOs arrive at the scene, they can refer to the *aide memoire*, do their briefing, be aware of the medical assistance and the consumption of alcohol or use of drugs in medical treatment by the police officers. Therefore, the likelihood of any accidental or unnecessary shootings is decreased.

The fifth main area of consideration regarding armed and unarmed policing advantages and disadvantages concerns where, theoretically, police officers must receive proper firearms training and reach the required standards before they are permitted to carry firearms when on duty, but, in fact, this is difficult to achieve in view of individual differences and the large number of officers involved. In reality, not all the police receive enough firearms training to reach these standards. Under these circumstances, if all the police were armed when on duty, it poses a great threat to the police themselves and the public as well. The position is not helped by the excessive workload, irregular

work hours and emergency duties, and it is easy for the police to have imbibed alcohol or even taken drugs, resulting in a mental disorder after a long period of time. For example, a rapidly increasing number of South Korea's much-maligned riot and foot patrol police are being treated for serious mental disorders as public criticism continues to mount at the ineffectual role of Seoul's crime fighters. National police hospital records show that 1,267 foot patrol policemen were treated for mental disorders between January and November 1989, an increase of 23 per cent over the same period in 1988 (*Police Torch* September 1991: 4-19) . If all the police carry firearms when on duty, it would pose a big threat to the police and the public as well.

In England and Wales, because the number of the AFOs are only a small percentage of the total police strength, each police force can know its AFOs well. Additionally, the police work is simpler and the work shift system is more reasonable than those in Taiwan (ROC). It is easier to manage and control. It is also easier for the police force to train its AFOs according to their individual differences and make sure that all the AFOs do reach a sufficiently high standard. The survey conducted by this research found that fourteen (87.5%) of the respondents did not think that all the police officers in England and Wales should receive firearms training. Their considerations included cost, training implications and maintaining high standards. They also argued that it must be remembered that not all officers are suitable or willing to be trained and not everyone has the appropriate skills required to handle firearms. Mistakes would be too costly (see chapter 6.1 (d)).

The sixth and last main area of consideration concerns where firearms are one of the best implements with which to commit a crime within a firearms-controlled country, where it is not easy to acquire firearms. The police always carrying firearms when on duty is probably one of the best ways in which to suppress gangsters and crime. Sometimes, however, it becomes a temptation for gangsters to rob the police of their firearms. For example, between 1985-89, there were 14 cases in Taiwan (ROC) where police officers were shot by gangsters with the aim being to steal firearms and make use of them in future criminal attacks. This not only resulted in 14 police firearms being stolen, but also in 11 police officers being murdered and 11 police officers being injured over the last five years in Taiwan (ROC) (FDN 18 April 1985: 3; *China Daily News* 30 November 1985: 4 and 16 August 1989).

In order to rob the police of their firearms, some gangsters use the emergency police crime report system as a hoax to lead the police into an ambush where they are robbed of their firearms (UDN 6 April 1985). Another example is that while the police carry out an arrest, their firearms are stolen and then they are shot dead with their own firearms. Between 1981—90 there were 10 police officers murdered with their own firearms in Taiwan (ROC). According to Boylen and Little (1990a: 68): 'Between 1977 and 1986 the percentage of officers fatally assaulted with their own service weapon ranged from eight to twenty-nine percent of all officers killed with handguns in the USA'. Furthermore, during 1980—1989, there were 801 law enforcement officers who were feloniously killed in the line of duty in the USA, 120 (about 15%) of them were killed with their own weapons, and firearms claimed the lives of 92 percent or 735 of the 801 officers killed in the line of duty. Seventy percent of the murders were committed by the use of handguns, 13 percent by rifles, and 9 percent by shotguns (*FBI Law Enforcement Bulletin* May 1991: 3).

6.4 Future Developments

Because of these disadvantages, and because of the wish to preserve the tradition and image of the unarmed police officer, a majority of police officers, politicians and the public strongly advocate that the police in England and Wales should remain unarmed. Leslie Curtis, the former chairman of the Police Federation frequently emphasised the desire of the British police to remain an unarmed service, with guns being carried only when dictated by the circumstances surrounding the particular duty and then only by officers properly trained and efficient in their use. In his view, the regular carrying of firearms by police officers protects neither the police nor the public. He also added the not inconsiderable weight of the Police Federation to the call for stricter controls of firearms in British society. An opinion poll of officers carried out by the *Operational Policing Review* published at the beginning of 1990 showed that 86 per cent of the service agreed that firearms should be issued only to trained specialist units. Only 10 per cent of officers disagreed with this premise (*Operational Policing Review* 1990: 18; *Police Review* 7 December 1990: 2405 and 4 January 1991: 4). The editorial of *The Times* on 4 January 1991 stated:

> Naturally some policemen feel that they would be safer with a firearm on their hip. Each time a policeman is killed, this instinct is reawakened. But evidence from other countries suggests that armed policemen are no

> safer than those who are unarmed. No correlation is apparent between police deaths and the weapons they carry. In America, where every officer carries a gun, Federal Bureau of Investigation reports on police deaths show that most occurred suddenly and unexpectedly; the officer did not have time to draw his or her own gun from its holster. Worse, one in ten officers were killed with their own weapon. Their guns were snatched and used against them in the sort of brawl that might have been harmlessly defused by an unarmed officer.

The former Home Secretary, Kenneth Baker, declared opposition to routine arming in the ACPO summer conference. He said:

> Evidence suggests that it would not protect police from sudden and unexpected attacks. Research in America shows that most officers killed on duty did not even have time to draw their guns.... one in ten officers were disarmed and killed with their own firearm. I am convinced that the general arming of police would encourage criminals to carry guns themselves, and to shoot first in any confrontation (*Police Review* 14 June 1991: 1201).

Sir Stanley Bailey, the former Chief Constable of Northumbria, said:

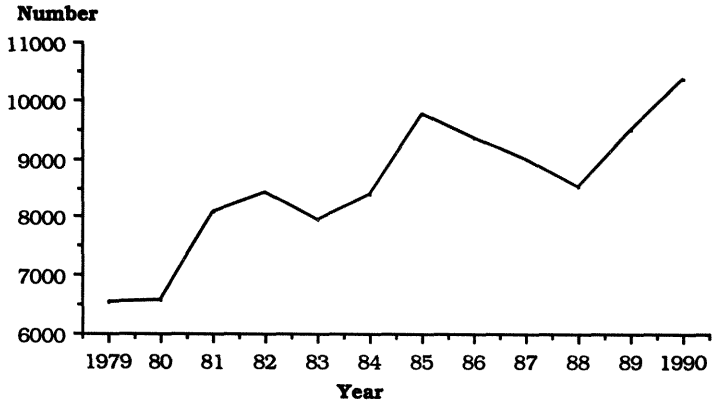
> Arming the police would create a soulless society where street violence would increase to American levels. The United States already has a society where guns are commonplace, their police are armed but the violence on their streets grows and grows and shows no sign of stopping. Arm our police and, at a single leap, you bring our society to that level (*Police Review* 3 January 1992: 10).

A recent survey conducted by this research shows that none of the respondents believed that all police officers in England and Wales should be armed. Their considerations include the expensive cost of police training, the influence of the traditional image of the British police and police and public relations (see chapter 6.1 (g)).

However, there has been an increase in the use of firearms by criminals: according to Home Office statistics, use of firearms in robberies nearly trebled in the 1980s. The figures show 3,390 armed robberies in 1989 compared with 1,149 in 1980. The total number of firearms offences, including murder, attempted murder, and criminal damage, rose by 44 per cent over the same period. In 1989 the police service in England and Wales recorded 9,500 offences in which firearms were reported to have been used, an increase of 11 per cent on the previous year (see Figure 6.1 and 6.2). Additionally, there has been an increase in the number of police assaulted or shot dead or injured, and an increase in the threat from terrorism. 'The Single European Act', whereby, the twelve countries of the European Community formed a 'Single Integrated

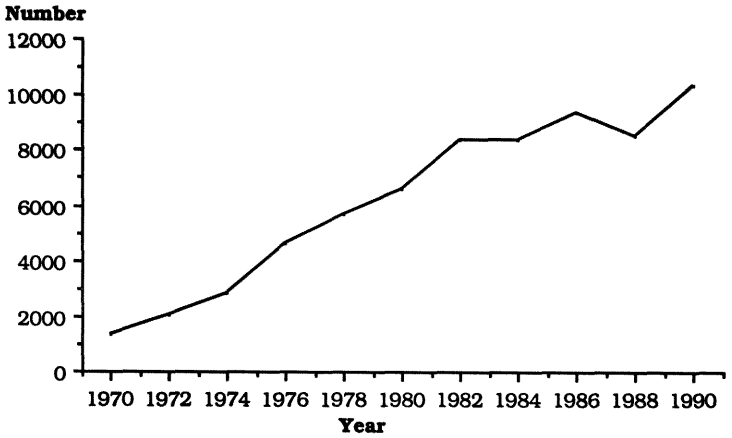
Market', with the free movement of goods, people, services, and capital from the end of 1992 may result in guns entering the UK from other European countries. The British have the only unarmed police in the twelve EC countries (Benyon, Davies and Willis 1990: 33-35; Chiang 1991c: 4 and 1991d: 4). Arming or unarming the British police has resulted in much debate both inside and outside the police service.

Figure 6.1 Crime involving firearms in England and Wales 1979—1990



Source: Home Office 1990c: 64 and 1992b :64

Figure 6.2 Crime involving firearms in England and Wales 1970—1992



Source: Waddington 1988: 49; Home Office 1990c: 64 and 1992b: 64

A senior Metropolitan officer, Commander John O'Connor, head of the central robbery squad, has suggested that the police in some areas should be armed. On a London Weekend Television Programme feature on gun ownership, he said: 'I think we really seriously need to consider whether the police should be armed on a permanent basis in certain areas.' (*Police Review* 14 September 1990: 1806). An opinion poll, carried out by the *Police Review* at the end of 1990, found that 50.3 per cent of the 1,195 officers[7] who replied to a questionnaire believed all officers should be armed, while 49.7 per cent believed the current practice of arming only specially trained officers for special tasks should continue. Those who answered the questionnaire matched roughly the make-up of police ranks, with constables and sergeants representing 86 per cent of the replies. That group, which the magazine noted might be most at risk from armed criminals, was still only marginally in favour of carrying guns (*Police Review* 4 January 1991: 4 and 16-17). The poll was criticised by *The Times*, which stated: 'The findings should be substantially discounted because readers were not selected randomly but invited to write in' (*The Times* 4 January 1991: 4).

Michael Shersby, MP and a parliamentary adviser to the Police Federation in England and Wales, stated:

> It has now become clear to the leaders of the Police Federation, 25 years after the abolition of the death penalty, that there is a significant change in the attitude of police officers to the carrying of firearms on duty. From the almost unanimous position taken a few years ago, there is now a small but significant body of police opinion, especially among the younger officers, that the regular arming of the police is inevitable (*Police* January 1991: 10).

In May 1991, almost one in four officers in Essex wanted to be routinely armed. A total of 2,200 officers responded to the survey, with 23.3 per cent answering 'yes' to the proposition: 'All operational Essex officers should be armed while on duty' a Police Federation survey revealed (*Police Review* 17 May 1991: 990). Also in May 1991, *Leicester Mercury* readers voted overwhelmingly in favour of the introduction of an armed police unit to tackle the upsurge in armed raids in the county. A massive 80 per cent of those who took part in the phone poll agreed with plans by Michael Hirst, Leicestershire's former Chief Constable, to introduce a specialised, permanently armed team of officers. The armed response vehicle is manned on a 24-hour shift basis by a 10-man crew, ready to be called out whenever there is an incident involving firearms. The *Mercury*'s poll attracted a total of 1,966 votes, with 1,581 voting for the proposal

[7] About 1 per cent of the total police strength in England and Wales.

and just 385 saying they did not want to see certain officers armed (*Leicester Mercury*, 29 May 1991: 1 and 11 and 30 May 1991: 1).

Alan Eastwood, Chairman of the Police Federation in England and Wales, called for government action on the issue of arming the police at the Annual Conference of 1991. He said: 'We are being pushed into becoming an armed service. Forces are turning to armed response vehicles because more and more criminals are using firearms.' (*Police* June 1991: 8). In Scotland, a poll showed public support for arming. Public opinion in Scotland is close to swinging in favour of an armed police service, according to a telephone poll by the country's largest free newspaper, '*The Glaswegian*'. Basing the poll on the motion on arming debated at the conference, it found that 48 per cent of those polled said that officers should carry guns (*Police Review* 8 May 1992: 842). And after police and fire-fighters were shot at without warning in Manchester on 6 June 1992, armoured Greater Manchester Police Land-Rovers carrying firearms squads patrolled the streets of a Salford council estate (*The Times* 8 July 1992: 3; *Police Review* 10 July 1992: 1254).

It is clearly difficult for armed police to change into unarmed police and it is similarly difficult for unarmed police to change into armed police in a short period of time. Both armed and unarmed police suffer from several advantages and disadvantages. In order to prevent the disadvantages of unarmed police leading to the same mistakes, the British police have already moved their firearms policy a little towards being a permanently armed police force. In order to offer more protection for the police and the public, the armed police countries, for example, Taiwan (ROC), also need to review the advantages of an unarmed police and adjust their firearms policy accordingly. This would make the use of police weaponry between armed police and unarmed police gradually converge.

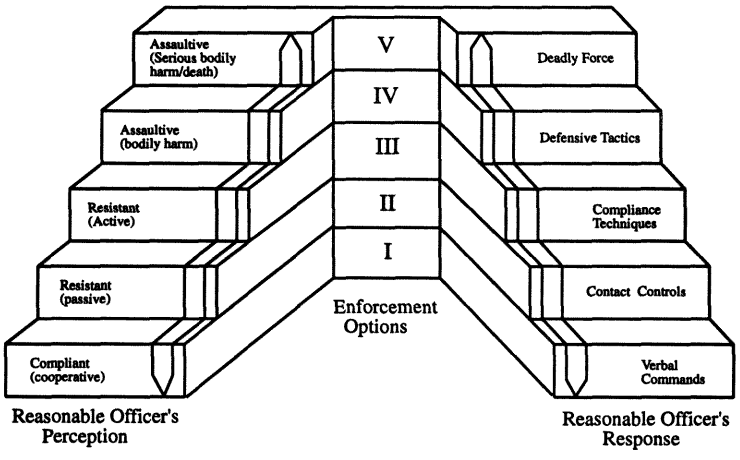
6.5 Laws and Regulations for the Use of Police Weaponry

(i) Use of Force Model

The use of force, not just the discharge of firearms, has been construed to include a wide range of nonconsensual compliance techniques. It may range from verbal persuasion or coercion to hand control procedures such as an escort or pain/pressure compliance holds, or to the use of other more aggressive

measures involving baton, stun gun, tear gas, or other nonlethal equipment. The variety of coercive options available to police officers in a confrontational setting is often referred to as the "force continuum." From options on this continuum, officers are expected to employ only the level of force necessary to control the situation (IACP/BJA National Law Enforcement Policy Centre 1989: 1). For example, the Federal Law Enforcement Training Centre in the USA offered a 'use of force' model to train the police officers. The model consists of three panels—"reasonable officer's perception", "enforcement electives", and "reasonable officer's response"—each of which consists of five levels (Graves and Connor 1992: 58; see Figure 6.3). In the enforcement choices, level I consists of fundamental procedures supportive of the initiation and continuation of compliance and cooperation. Level II includes options centred around the gaining of control via procedures that are primarily psychologically manipulative, rather than physically manipulative. At level III, due to the introduction of a physical component to the subject's noncompliance, the officer now must call upon the tactics of encounter and—possibly—the deployment of supportive force. At level IV, due to the combative nature of the confrontation, the officer must now deploy tactical procedures centring upon active, force-enhanced counter-measures. At level V, tactical options are directed toward officer survival and self-preservation. Each level has the different reasonable officer's perception and response. The perception ranges from compliant (cooperative), resistant (passive) resistant (active), assaultive (bodily harm) to assaultive (serious bodily harm/death). The possible response ranges from verbal commands, contact controls, compliance techniques, and defensive tactics to deadly force (Graves and Connor 1992: 58). The police officers should be in accordance with the situation to use reasonable force, including deadly force. If the level of the enforcement electives increases, the force used by the police officers will rise accordingly.

Figure 6.3: Use of Force Model (I)

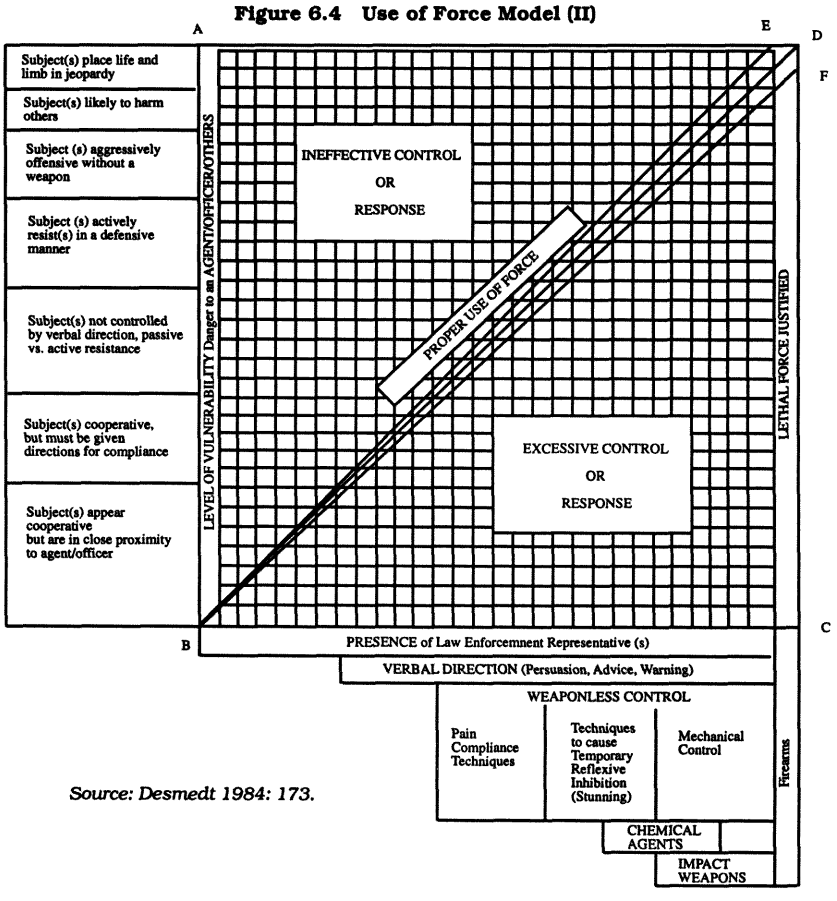


Source: Graves and Connor 1992: 58.

Desmedt (1984: 173) presented another use of force model, which is shown in Figure 6.4. He used the horizontal axis to represent the level of the use of force. It ranges from presence of law enforcement representative; verbal direction (persuasion, advice, warning); weaponless control (pain compliance techniques, techniques to cause temporary reflexive inhibition-stunning, mechanical control); chemical agents; and impact weapons (for example, straight baton, side-handle baton, etc.); to firearms. Set against this he uses the vertical axis to represent the different level of vulnerability or danger to an agent/officer/others. It ranges from subject(s) appear cooperative, but are in close proximity to agent/officer; subject(s) cooperative, but must be given directions for compliance; subject(s) not controlled by verbal direction, passive vs. active resistance; subject(s) actively resist(s) in a defensive manner; subject (s) aggressively offensive without a weapon; and subject(s) likely to harm others; to subject(s) place life and limb in jeopardy. In using this model, the subject's level of action is determined first since it is his action which determines the amount of force used by a law enforcement officer (Desmedt 1984: 175). From this model, the police officers can easily understand in which situation which level of force should be used, and in which category proper use of force, excessive control or response, and ineffective control or response belong. Generally, these two models can not only be applied in police training, but can also be applied to

investigate the police shooting incidents, and to analyse whether the police officer has used reasonable force or not. These two models can also help us to explain what 'reasonable force' and 'minimum force' are.

Figure 6.4 Use of Force Model (II)



Source: Desmedt 1984: 173.

(ii) Laws and Regulations for the Use of Police Weaponry in Taiwan (ROC)

In Taiwan (ROC), in article 90 of the *Code of Criminal Procedure* (CCP), it is stated: 'If an accused individual offers resistance to arrest, with or without a warrant, or if he escapes, he may be arrested by force with or without a warrant, but such force may not be excessive'. 'Such force may not be excessive' is similar to the principle of minimum use of force applied in the UK. The minimum use of force implies that the force used should only be sufficient to achieve the purpose

required and where the exercise of coercive powers can be justified, such as where persons had committed, or were reasonably suspected of committing, crime. An extension of those powers to a situation where a person was not necessarily suspected of a specific crime, or in situations which would normally be unacceptable to the public, required very careful assessment (Pike 1985:117).

However, the doctrine of 'minimum force' does not mean that the police should abstain from the use of force—the police are entitled to kill in extreme circumstances to save the lives of innocent people. What this principle insists upon is that no more force should be used than is necessary to maintain order and apprehend offenders. To deny the police recourse to adequate force is not to minimise violence. On the contrary, the threat of being overwhelmed is far more likely to find the police resorting to excessive force (P.Waddington 1984c: 24).

Taiwan (ROC) also has *The Act on the Use of Police Weaponry* (AUPW) 1985 (see Appendix B) to regulate the police use of police weaponry. The original Act was first announced and implemented on 25 September 1933. Lawful basis was available long ago for police to use weapons. According to the Police Law (S. 9), the usage of police weapons is one of the police powers. According to the regulation of the tenth clause of the implementation bylaw of the same Law, the usage of police weapons should be according to the regulation of the AUPW. The Act was made to satisfy the demand of public order at that time. In 1968 and 1985, it was partially revised. The contents of this Act include 'the person who has the power to use police weapons'; 'the types and specification of police weapons'; 'the timing of using police weapons'; 'the procedures of using police weapons and the notification items'; 'the responsibility of using police weapons'. This is the main law for the police in Taiwan (ROC) when using police weapons.

(iii) The Laws and Regulations for the Use of Police Weaponry in England and Wales

In England and Wales, in Section 3(1) of the *Criminal Law Act* (CLA) 1967, it states: 'A person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders, or of persons unlawfully at large'. In Section 3(2) of the same law, it states: ' Subsection (1) above shall replace the rules of the common law on the question as to when force used for a purpose mentioned in the subsection is justified by that purpose' (Porteous 1987:

246-255; Smith and Hogan 1988: 242). The questions to be determined in assessing the use of force under section 3 are: (a) was the force used necessary, or reasonably believed to be so? (b) was the force proportionate to the wrong which it sought to avoid? (Central Planning Unit 1990).

Closely related to the right to use reasonable force in the prevention of crime under Section 3(1) of the CLA 1967 is the old common law defence of private defence. That is the right to use reasonable force in defence of oneself or other people or even in defence of property. This defence overlaps with Section 3, since most attacks on people or property will also involve occurrence crimes where a person defends themselves or another and also tries to prevent the commission of a crime. But private defence still exists as a separate defence, with standards to be applied in deciding whether the force used was reasonable probably being the same as those under Section 3 and, once again, a question for the jury and not the judge (Baxter and Koffman 1985: 189).

The use of reasonable force is not confined to arrests for serious crimes, but is available in all arrests, even an arrest for a minor offence. However, the important words are 'such force as is reasonable in the circumstances'. The circumstances of an arrest for a minor offence, for example, violent resistance, may justify the use of considerable force which would not be justified where the arrest is for a serious arrestable offence in which no resistance is offered (Bevan and Lidstone 1991: 271). This section authorises any citizen legally to use 'reasonable force' in self-defence, the prevention of crime, and the arrest of the offenders and persons unlawfully at large (P.Waddington 1988: 1). It also authorises the use of reasonable force to resist an unlawful arrest, such force constituting force used in 'the prevention of crime' (Bailey; Harris and Jones 1991: 65). Unhappily, perhaps, the section is unclear concerning what might constitute reasonable force. How can an officer justify his or her actions if the use of force had never been clearly defined or understood? This question has no acceptable answer, yet officers are on the streets every day knowing full well that they will be called upon to use force. The officers go out telling each other, 'You have only a split second to react and they have years to prove you wrong'. 'Must officers be naive and brave, foolish and dedicated, at the same time?' (Desmedt 1984: 171).

In preventing disorder, all police officers are constrained by the doctrine of "reasonable force" which is enshrined in the CLA 1967. Mike Bennett, chairman of the Metropolitan Police Federation, said after the Wapping

disorder: 'We want to know exactly what 'reasonable force' means and whether we will be supported by the Commissioner. Unless we get some sanctions in the law, when the next riot happens, officers may well step backwards' (*Sunday Times* 8 April 1990: A15). The police are charged with the duty of preventing crime, and in doing so they must, from time to time, use some degree of force. When a large number of police officers carry guns, either on a regular basis or for particular operations, the use of force may involve the firing of a lethal weapon. It must be in their interests and the public's that the law on the use of reasonable force should be clear and precise (Baxter and Koffman 1985: 188). The Criminal Law Revision Committee, from whose Seventh Report it derives, stated that the court, in determining what force was reasonable would take into account all the circumstances, including the nature and degree of force used, the seriousness of the end to be prevented and possibility of preventing it by other means (Leigh 1985:60-61; Yardly and Eliot 1986a: 14; Smith and Hogan 1988: 242).

'Reasonable force' presumably will not exceed the minimum necessary to make an arrest. However, it may well be that the minimum force necessary to make arrests will exceed what is reasonable. For example, a person unlawfully arrested (for example, because no power of arrest exists in connection with the offence for which the arrest was made) might be regarded by a court as using unreasonable force in using even a small amount of force in trying to escape if in the circumstances it was likely that the mistake could be pointed out to superior officers and if the arrested person was to be released within a brief period (Bailey; Harris and Jones 1991: 65). It cannot be reasonable to cause harm unless (a) it was necessary to do so in order to prevent the crime or effect the arrest and (b) the evil which would follow from failure to prevent the crime or effect the arrest is so great that a reasonable man might think himself justified in taking that action to avert that evil. It is likely, therefore, that even killing will be justifiable to prevent unlawful killing or grievous harm, or to arrest a man who is likely to cause death or grievous bodily harm if left at liberty (Smith and Hogan 1988: 242-243).

Whether the police use more than reasonable force must be judged on an objective test of the facts (Sturley v Commissioner of Police for the Metropolis (1984); Harrison and Cragg 1991: 74-75; Bevan and Lidstone 1991: 271).

> Ms Sturley, a middle-aged woman, was arrested after a minor traffic offence. The circumstances justified a lawful arrest. However, she was restrained by means of a hammer-lock and bar, that is holding her arm behind her back and twisting her wrist. Her wrist was twisted so forcefully that the bone was fractured. It was held that as two officers

> were present they should have been able to restrain a woman of Ms Sturley's age by holding her arms by her side. If only one had been present the arm lock might have been reasonable but, as there were two, the degree of force was unreasonable and she succeeded in a claim for assault.

If a police officer decides to use force, a number of things need to be considered, such as: legal requirements; seriousness of crime committed by subject; size, age, sex, weight and even race of subject; appearance of subject (neat, or dishevelled or soiled); attitude of suspect (co-operative or belligerent); actions of subject (submissive, or verbally threatening, or threatening body movements); subject under the influence (intoxicated or drugged); suspicious bulges in clothing; apparent physical ability of subject; weapons possessed by or available to the subject; known history of violence by subject; presence of innocents or potential victims in the area; whether it is essential that the subject is arrested at that time; number of subjects present who are involved, or who may become involved; whether the subject can be recaptured at a later time; whether evidence is likely to be destroyed; size, physical ability and expertise of the officer; number of officers present or available, and information via desk officer (additional information received upon arriving at scene) (Hayden 1981: 103; Holzworth and Pipping 1985: 185-194; Meadows 1985: 195-184; Dwyer *et al* 1990: 295-301). However, how much force will be regarded as reasonable in any given circumstances ultimately has to be decided by the jury (Baxter and Koffman 1985: 188-189; Bevan and Lidstone 1991: 272).

In the *Police and Criminal Evidence Act* (PACE) 1984, Section 117 on the power of a constable to use reasonable force states that where the Act (a) confers a power on a constable; and (b) does not provide that the power may only be exercised with the consent of some person, other than a police officer; the officer may use reasonable force, if necessary, in the exercise of the power. The sections of the Act affected are: powers of search and detention for the purposes of search (ss. 1 and 2); entry and search of premises to execute a search warrant (s. 16); entry and search of premises to make an arrest (s. 17); entry and search of premises following arrest for an arrestable offence (s. 18); seizure of evidence (s. 19); arrest (ss. 24, 25, 27, 31); search of the person under arrest (s. 32); detention of a person at a station (ss. 36 and 37); search of a detained person at a police station (s. 54); intimate searches of detained persons (s. 55); fingerprinting without consent (s. 61); taking a non-intimate sample without consent (s. 63). Therefore, police powers are substantially strengthened by Section 117 of the PACE 1984, which authorises the police to use 'reasonable force, if necessary' to

carry out such processes as personal search, making fingerprints, or taking samples of hair. Anything which the Act says they may do without a person's consent they can do by force. Before the Act the police were allowed to use reasonable force only to prevent a crime or to make an arrest (Dunhill 1989: 283).

Three factors following from the use of the words 'reasonable' and 'necessary' deserve special emphasis. First, the amount of force used must be related to the purpose for which the power is to be exercised. Whilst in the context of arrest or the prevention of crime lethal force may be used to prevent a serious crime or the escape of a dangerous offender. Many of the powers to which S 117 (Art 88 of the 1989 Order) relates can never justify the use of such a degree of force. For example, the taking of a person's fingerprints would not justify the use of a degree of force sufficient to break that person's fingers. Secondly, the context in which many of the powers will be exercised (at the police station) suggest that there will usually be sufficient constables at hand to subdue a person effectively without the use of a high degree of force. Thirdly, the use of excessive or unnecessary force, though unlawful and likely to form the basis of an action for assault (or possibly a prosecution), will not necessarily affect the lawfulness of the power being exercised. Thus, for example, excessive force used to effect a lawful arrest will not render the arrest unlawful. Similarly the use of excessive or unnecessary force in order to gain entry to premises in order to carry out a search under ss 17, 18 or 32(2)(b) (Arts 19, 20 or 34(2)(b)) will not render the entry a trespass, but will expose the constable to an action for assault and/or damages (Bevan and Lidstone 1991: 30-31).

As already mentioned in Chapter 1, in April 1979, the Joint Standing Committee on the Police Use of Firearms was set up by ACPO Council. It has representatives from all the main ACPO Committees and from F4 Division and the Scientific Research and Development Branch of the Home Office. The first meeting of the Joint Standing Committee was on 16 October 1979, and it has met on a regular basis since. This Committee produced the *Manual of Guidance on Police Use of Firearms* (MGPUF). This Manual, which was commissioned by the Joint Standing Committee and produced by a working group of firearms instructors, was originally conceived as a training document to promote standards and tactics for police use of firearms. The Manual is designed to serve as: (a) a statement of policy for all chief officers on the issue and use by the police of firearms; (b) a basis for instruction within Forces; (c) guidance on police

firearms operations; and (d) a definitive reference point for equipment accepted by ACPO as suitable for police use.

The Manual was published in March 1983, and has recently been revised. It includes several chapters, the contents being: 'Guidelines on police use of firearms' (see Appendix B of this thesis); 'Minimum standards for authorised firearms officers, selection criteria and safety factors' (see Appendix C); 'Weapons, equipment and supporting services' (see Appendix D); 'Basic principle of tactics'; 'Armed suspects in buildings and other structures'; 'Armed suspect in the open'; 'Armed suspects in vehicles'; 'Armed police interceptions'; 'CS irritants and use of respirators'; 'Handling suspect'; 'Protection duties'; 'Cross-Force convoys'; 'Armed response vehicles'; 'Post incident procedures' (see Appendix E). This is the main means of regulating the police use of firearms in England and Wales, although of course the Manual does not have legal status.

Tragic incidents (for example, the cases of Waldorf[8], Shorthouse[9] and Groce[10]) have occurred and these have understandably excited a great deal of public interest and concern. It was in response to that concern that early in 1986 the Home Secretary formed a working group under Home Office chairmanship to examine all aspects of the policy and procedures relating to the issue to and use of firearms by the police. After a thorough review 36 recommendations and 10 conclusions were made and chief officers were asked to accept and implement these recommendations and conclusions (see Appendices F and G). The working group's conclusions were reported to Parliament by the Home Secretary on 3 February 1987 (*Police* March 1987: 12-14; letter from Home Office 15 July 1991: 2-3).

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[8] On 14 January 1983, armed Metropolitan Police officers on an undercover operation mistakenly identified Stephen Waldorf, an innocent person, as an armed and dangerous criminal who was wanted for the attempted murder of a police officer. The actions of the officers,was to fire intentionally at Waldorf, severely wounding him before they realised their mistake.

[9] On 24 August 1985, John Shorthouse, a five-year-old boy, was accidentally shot dead in his bed by police in Birmingham while they were searching for an armed robber.

[10] In September 1985, Mrs. Cherry Groce was permanently paralysed by a bullet from a policeman's gun, during a raid on her house in Brixton (the police were looking for her son, who was not at home), and this led to violent disorder in the area.

6.6 Those Who Have the Power to Use Police Weapons

(i) Taiwan (ROC)

In Taiwan (ROC), police weapons that are used on duty include truncheons, guns, and other approved weapons (Sec. 1(1)). The variety and style of these police weapons are decided by the Executive Yuan of Taiwan (ROC) (Sec. 1(2)). The persons who have the power to use police weapons are all police personnel. The military police also have the power to use weapons when they execute the duties of judicial police and military-law police or station police as approved by the Ministry of the Interior (Sec. 12(1)). The station police are established according to the *Station Police Establishment Management Method* for each organisation, school or group. This Method is an order designed in the fortieth clause of the *Police Management Law* by the Ministry of the Interior.

(ii) England and Wales

In England and Wales, according to the Section 3 of the CLA 1967, the person who has the power or right to use force is not only a police officer, it is 'a person', and includes ordinary citizens. By vesting these powers in the ordinary citizen, the Act re-affirmed the common law duty of all persons to prevent crime and assist those responsible for enforcing it. As with many other powers associated with arrest, the fact that the police were given no additional powers above the ordinary citizen emphasised the unique character of the British police system, and ensured that police action in exercising these powers attracted popular support (Pike 1985: 114). However, according to the Firearms Act 1968, every person who wishes to possess, purchase or acquire firearms and ammunition to which section 1 of the Act has to apply for a certificate, unless they are exempt from the certificate requirements. So, there are persons who because of their position are exempted from the need to hold a certificate. For example, registered firearms dealers; miniature rifle range proprietors; and crown servants (Clarke and Ellis 1981: 37-66; Donaldson and Greaves 1992: 10). According to Donaldson and Greaves (1992: 27), the crown servant is a person in the service of Her Majesty, duly authorised in writing, who may purchase or acquire firearms and ammunition from the public service without holding a certificate. A member of the police service is deemed to be a person in the service of Her Majesty, who may, without holding a firearm certificate, possess a firearm and ammunition in his/her capacity as such.

According to the PACE 1984, Section 117, the person who has the power to use reasonable force is the constable. Furthermore, according to the *Guidelines on the Police Use of Firearms* (GPUF), the persons who have the power to use police firearms are the authorised and trained police officers. According to 1.3 of the GPUF, 'Firearms are to be used by authorised and trained police officers only as a last resort....', and 1.8 of the same guidelines states:

> Firearms should be issued only to officers who are currently authorised and trained in a particular class of weapon. Officers authorised to use firearms must attend regular refresher courses and those failing to reach the qualifying standard will lose their authorisation and must not thereafter be issued with firearms. Each authorised officer must hold an authorisation card showing the type(s) of weapon that may be issued to him. The authorisation card must be produced before a weapon is issued and must always be carried when the officer is armed. The card holder's signature in the issue register should be verified against the signature on his warrant card. The card must be issued without alteration and should have an expiry date on it.

Furthermore, only superintendents or above may authorise issue. According to 1.4 of the same guidelines:

> Authority to issue firearms should be given by an officer of ACPO rank, save where a delay in getting in touch with an officer of ACPO rank could result in loss of life or serious injury, in which case a chief superintendent or superintendent may authorise issue. In such circumstances an officer of ACPO rank should be informed as soon as possible...

The Metropolitan Police, in *Police Firearms: Policy, Training and Weaponry*, state:

> Since 1986, armed police in London have been organised into a three-tiered hierarchy: in ascending order of expertise, AFOs, Level II, and Level I. AFOs are the officers who are most commonly authorised to carry a gun, and provide the initial response to most armed incidents. The AFO will normally be unarmed for much the greatest part of the time. In the event of an armed incident, for example, a suspected armed hostage-taking, this officer will receive authorisation to draw a firearm by a senior officer to commander rank (or his deputy) and be deployed to the scene. The gun will be obtained from a station at which weapons are held, and the AFO will only be allowed to draw the weapon for which he is currently authorised (that is, the weapon he has been trained to use and in the use of which he has been reclassified as proficient within the past three months). When the incident is over, he will return the gun to the station from which it came and continue with his routine police work. Level II officers consist of three groups of six constables and a sergeant (a Level I instructor) who are based at the headquarters of the Force Firearms Unit and respond to incidents which demand greater expertise than that possessed by AFOs. Level II officers are more highly trained, practise regularly and work as a team in a way that officers committed to other duties find impossible. They will normally execute the slow search of premises and supervise the peaceful surrender of armed suspects. AFOs normally provide the initial response to an

incident, and constitute the 'cover group', but Level II officers will then take over. Level II will also take over the task of providing armed support for raids on premises. Level I teams deal with incidents the demands of which exceed the expertise of and equipment available to Level II officers. They are trained not only to use the more exotic firearms and equipment such as night-vision goggles but also to gain rapid entry to rescue hostages. Many of the tactics and much of their equipment are copied from the SAS and, indeed, when deployed in their operational cover-alls, wearing respirators, and carrying sub-machine-guns, they could easily be mistaken for SAS soldiers.

In Taiwan (ROC), all the police officers have the power to carry and use firearms. But, in England and Wales, only a limited number of trained and authorised police officers have the power to use firearms. This is the main difference between the two countries. A survey conducted by this research at the end of 1992 showed that only four (25%) of the respondents considered that the recent procedures for issuing firearms should change (see Chapter 6.1 (j)).

6.7 Types and Specifications of Police Weapons

(i) Taiwan (ROC)

Police weapons are those which the police utilize in their duties. Their function is to command, stop by force, defend, protect, suppress or eliminate danger or threat to attain the work purpose (Chen 1984: 429). In Taiwan (ROC), the AUPW 1933, regulated that the police weapons used by police officers and police sergeants were the truncheon, the knife and the gun (S. 1). As time has progressed and the criminal situation changed, these three weapons have been added to. In 1968 'other approved weapons' were added and it was stipulated that the types and specification of the above police weapons should be designated by the Executive Yuan. The Executive Yuan approved the type and specification list of police weapons issued to police organisation on 28 February 1979. On 12 August 1983, it was revised again. Police weapons are divided into three types and nine groups, and the knife is no longer included in the list. The police weapons are as follows: (A) Truncheons—only one group is available. Its specifications are wooden police truncheon, rubber police truncheon, steel (iron) flexible police truncheons. (B) Guns—Five groups' are specified: (a) Hand guns: various hand guns; (b) Tommy guns: various tommy guns; (c) Rifles: carbine, semi-automatic rifles, automatic rifles; (d) Machine guns: light machine guns, heavy machine guns; (e) Cannons: mortar ammunition, non rear-reaction cannons, artillery ammunition. (C) Other weapons—three groups' are listed: (a)

Gas weapons: gas spray guns, gas guns (ammunition), gas police batons, gas spray cartridge, gas grenades, gas spray vehicles, smoke ammunition (can) and flare grenades; (b) Electrical weapons: electrical batons (stick), knock-down guns, knock-down ammunition charge; (c) Protection vehicles: riot vehicles, fire engines, and tanks.

(ii) England and Wales

In England and Wales, the types of police weapons and equipment are regulated in Chapter 3 of the MGPUF (see Appendix D). This chapter offers guidance on weapons and equipment in both specific and general terms for all types of police firearms operations. Equipment has been placed in three categories - Personal, Team and Force.

(A) Personal equipment (3.3-3.11): This includes revolvers; self-loading pistols; rifles/carbines (long and short range); shotguns; holsters; clothing; body armour; ammunition (for revolvers); ammunition carriers/reloaders; and visual identification.

(B) Specialised Teams (3.12-3.21): This includes clothing, weapons (shotguns, carbines, CS weapons, grenades, night capability, ammunition (special weapons), transport, communications, respirators, holdalls (large waterproof holdalls, full-length opening, with space for weapon, personal clothing and equipment should be issued to each team member); and special equipment: special teams require a variety of items of equipment for protection, entry and rescue purposes:-

a. Protective: Bullet resistant screens; armoured helmets; and personal body armour with the capability of additional plate.

b. Forcible Entry: Sledge hammer; case-openers, crowbars; hammers; screwdrivers; pliers; wire and bolt cutters; hydraulic jacks and rams; explosives.

c. Tactical: (a) Abseil ropes and harnesses, ladders of the silent running extending type; (b) Portable spot and flood lighting and individual powerful rechargeable torches; (c) Extending mirrors and/or periscopes; (d) Spare handcuffs; (e) Knives capable of single-handed use; (f) Wedges for propping doors and windows during progress; (g) Luminous markers for personnel, kit and routes; (h) Cameras (still and/or video) for reconnaissance and briefing; (i) Quick response equipment vests for the carriage of small items of equipment on the person of each member of the team.

(C) Force - Support and Special Equipment (3.22-29): This includes transport; communication; lighting; major incident equipment (crowd control tape in various zonal colours, flashing lights, first-aid equipment, medical and fire fighting crews which should be located at the incident control for the duration of the operation, casualty listing facility, property recording and storage, other central store equipment from ladders to sandbags); catering; technical/surveillance/evidential; police dogs and handlers.

With the exception of the above weapons and equipment, truncheons are another kind of traditional police weapon in England and Wales. Furthermore, the police have a large range of crowd control equipment. Even defensive perspex shields (weighing 15 lbs) can be used to strike people. By November 1982, twenty-two of the forty-three police forces in England and Wales had acquired plastic bullets, and thirty forces had stocks of CS gas. All forces now have access to all weapons through mutual aid. The Home Secretary has recently ruled out the use of water cannons because of their unwieldiness and their frequent need to be refilled, but many other weapons are available (Dunhill 1989: 266).

(iii) Comparison

In Taiwan (ROC), the types of police weapons are decided by the Executive Yuan. Furthermore, article 18 of the *Police Law* states: 'The weapons and ammunitions of each police organisation should be procured and distributed by central government'. Therefore, the purchase and distribution of police weapons is undertaken by the central government, so the types and standards of police weapons in each force are the same. In England and Wales, the types of police weapons are decided by the ACPO and permitted by the Home Secretary, and each force may, with the permission of the ACPO and Home Secretary, purchase police weapons, which results in the police weapons of each force being a little different from one another. For example, many forces have adopted variants of the Heckler Koch MP5, referred to earlier, used by the SAS at Prince's Gate. Recently, West Yorkshire used a semi-automatic version of the MP5 to shoot Ian Bennett at Rastrick, and the Metropolitan Police has fully automatic and sound-moderated versions. They have also used stun grenades operationally (*Police Review* 31 January 1992: 208).

Avon and Somerset police, the first police force in England and Wales to do so, has purchased six of the Steyr weapons after completing a year's trial period in which the Steyr and several similar guns were tested. Police chiefs throughout Britain are waiting for results from Avon and Somerset before adopting the sophisticated Steyr siege-gun. There are no national figures for the total number of firearms held by the police. The Home Office line is that this is a matter for individual chief constables who are not required to notify the Home Office of the firearms held by their forces. Some information is available in chief constables' annual reports but this is usually limited to a statement of the number of weapons bought during the year. It would be virtually difficult to collate and quantify the figures on a national basis. The probable answer is that nobody knows how many firearms are held at any one time by the police in England and Wales. The position is much the same when it comes to the types of weapons held by the police. There is a list of 'approved weapons' issued to all police forces but even that is merely advisory and it is not available to the public.

Furthermore, 'It's better to get ready for nothing than be caught unprepared' is a common Chinese saying. The types of police weapons in Taiwan (ROC) are very similar to that of the military, for example, police weapons include cannons, and even tanks, although some kinds of weapons have not been used before. This is more complicated than the types of police weapons held in England and Wales.

6.8 Summary

In order to make a distinction between the 'modern' police and the military, Peel, Rowan and Mayne decided that the 'modern' police would be unarmed when it was set up in London in 1829. This decision has not only made the British police unique across the democratic countries, but has also affected the philosophy regarding the use of police weaponry in Britain deeply, and has created a series of special regulations, procedures, and operations concerning the use of firearms. This is especially reflected in the answers received to the questionnaire, which we detail in section 1 of this Chapter.

Traditionally, the police in Taiwan (ROC) are an armed police. This chapter has examined, analysed and compared in detail some of the similarities and differences between an unarmed and armed police and has included a discussion on their tradition, thinking, and on the laws and regulations

regarding the use of firearms. Moreover, the discussion focussed on those who have the power to use weapons, and the types and specifications of police weapons, as well as upon the advantages and disadvantages of an armed and unarmed police.

We have suggested here some of the advantages and disadvantages of armed and unarmed policing. The biggest disadvantage of an unarmed police is the slow response capability to firearms incidents. This also affects the police capability to protect the general public's and their own safety, and may impair the performance of police duties. As a result of an increase in crimes involving firearms in recent years, the British police have introduced the ARVs, and a small number of police officers are permanently armed when on duty. Generally speaking, the trend of the police in England and Wales is marching slowly towards a permanently armed police force. Due to the disadvantages of the armed police, Taiwan (ROC) has started to adopt several policies aimed at reducing the levels of arming since the beginning of the 1980s. For example, when the police officers undertake census taking or traffic control, they no longer carry firearms. It can be seen that the use of police weaponry between Taiwan (ROC) and England and Wales is gradually converging.

In the following chapter, we examine and compare the use of truncheons and firearms, and the procedures of the use of police weaponry and police firearms training between Taiwan (ROC) and England and Wales.

CHAPTER 7

A Comparison of the Use of Police Weaponry in Taiwan (ROC) and England and Wales (II)

The scope of police use of weaponry is quite broad. The previous chapter highlights the differences in the tradition of carrying firearms in Taiwan (ROC) and England and Wales. The advantages and disadvantages of armed and unarmed police, the differences and similarities of the laws and regulations governing the use of police weaponry and who has the right to use police weapons and in which circumstances are also analysed and compared. The trend in the UK towards more use of firearms by the police and the trend in Taiwan (ROC) to reduce the arming of the police are also examined in the previous chapter. This chapter will examine and compare the use of police truncheons, firearms, procedures regarding the use of police weapons, and police firearms training. The responsibility, investigation and post-shooting procedures will be examined in the next chapter.

7.1 The Use of Police Truncheons

In Taiwan (ROC), police truncheons can be used either to command people or to stop people by force. When using their truncheons by way of command, the police may be guiding traffic, channelling crowds or guarding against accidents. The truncheon may be used to show directions, or to channel people in a particular way.

Police officers may also use their truncheons to stop people forcibly, and to prevent people from behaving in a certain way. When undertaking the investigation of criminals, or search, detention, summons and arrest, forcible power can be exercised (Sec. 3(1a)). According to articles 229, 230 and 231 of the *Code of Criminal Procedure* (CCP), the police are the equivalent of judicial police officers. According to articles 62, 63 and 64 of the *Military Judgement Law*, the police are also equivalent to the positions of military-law police officers. Also according to 9(1c) and 9(1d) of the *Police Law*, police organisations and police personnel have the power to assist in the investigation of criminals and execution of summons, arrest, search and detention. They are executed according to the CCP, *Adjustment Judicial Police Law* and *Military Judgement*

Law. Besides this, according to article 103 of CCP, detention should be carried out by judicial police. When police execute this duty, the violators often resist so it is necessary to use truncheons to force them. When serving a summons, the suspect or accused may attempt to escape and police can use truncheons to prohibit this. Truncheons may also be used to protect police personnel when on duty.

In England and Wales, the truncheon is the traditional weapon carried by the police. It can be used in defence, for example, against kicking, punching, or knifing. A police truncheon is an effective weapon and is capable of causing considerable injury. Its use should, therefore, be restricted to situations of emergency when the officers have no other means of defending themselves against violent attack. The truncheon is issued for the officer's protection and not as a weapon of offence. Its use should be restricted to circumstances in which the officer is dealing with a violent person or persons; to prevent the escape of a violent prisoner; and when the officer is being overpowered (English and English 1992: 131). When a truncheon is used it should be done so with all the care which the situation allows; if possible on the arms or legs of the assailant, particular care being taken to avoid a blow to the head. Many violent situations make the use of a truncheon, in any predetermined way, an impossibility but it is always possible to make every conscious effort to use it as a weapon of defence. The defensive use of a truncheon has been studied and perfected by advisers to provincial police forces in methods of self-defence and is being introduced into police training programmes. Following any occasion upon which a truncheon has been used the police officer concerned must make a record of that use as soon as practicable and must inform the custody officer immediately upon his arrival at the police station. The use of the truncheon must be mentioned when evidence is given in relation to the arrest of an offender (English and English 1992:131). According to the *Police Self Defence and Restraint Manual*, there are several principles to be followed when using a truncheon:

> (a) The truncheon should only be used under extreme circumstances. It is important to understand that in some instances the drawing of a truncheon may only serve to escalate violence; (b) In situations of serious disorder and when supervisory officers are present, truncheons should only be drawn when the order is given. Once truncheons have been drawn in these circumstances, each officer is still responsible for his own use of the truncheon; (c) In any case he or she should consider the statutory limitations on the use of force and any additional local instructions; (d) If it is necessary to use the truncheon to strike an attacker, every effort should be made to avoid the head and to aim blows at parts of the body less likely to suffer injury; (e) Because of the

limitations of free practice, training must be precise and all striking actions should be done with a sharp rapping action to the target area; (f) To grip the truncheon, the thumb should be inserted into the leather strap. The strap is then wound around the back of the hand and grasped by the handle; (g) When the truncheon is drawn it should be held two handed in the horizontal position just below waist level. The initial handling should not be provocative or held in such a position whereby it can be easily grasped (Central Planning Unit 1990: Part 5).

7.2 The Use of Police Firearms

When using a police gun, or other weapons, in Taiwan (ROC), the *Act on the Use of Police Weaponry* (AUPW) regulates which police guns or weapons can be used when police personnel are on duty and encounter various types of situation (Sec. 4(1)). Guns may be used to avoid emergency accidents and maintain public order (Sec. 4(2a)). Avoiding serious accidents means that caution should be taken in advance. If some illegal conduct has not been perpetrated but is only in the preparation stage, the police may use firearms to prevent the incident from occurring. For example, if it is reported that a criminal is making explosives (home-made bombs) in an apartment, the police may enter the property to stop the explosives from being manufactured. If the police see the criminal advance to throw the bombs and create public order incidents, the police should raise guns to shoot at an appropriate part of the gangster's body to deter him and to prevent the incident from escalating.

Officers may also use weapons when disturbances affect public order (Sec. 4(2b)). To maintain social peace and order is the primary task of the police. Consequently, any commotion or conduct which interferes with public order is not tolerated. When this kind of illegal behaviour occurs, the police are authorised to use guns or other approved weapons in order to prevent it continuing. Weapons may also be used when faced by refusal of surrender or the escape of criminals arrested or imprisoned (Sec. 4(2c)) and when land, houses, vehicles, ships, or airplanes defended by police or others' lives, bodies, freedom, and property are endangered or threatened (Sec. 4(2d)). For example, when the police are ordered to defend a particular district, others cannot enter. When any criminal tries to intrude, a gun or other approved weapons should be used to prevent him or her. When robbers enter civilian houses, guns or other approved weapons should be used for protection if no other way is successful in stopping the robbery. Another example is that if any criminal intends to kill somebody and raises his or her gun to shoot, police personnel can use guns or other

approved weapons to protect himself/ herself in this emergency situation (Chen 1984: 433).

When police lives, bodies, freedom and equipment are endangered or threatened, officers may use their weapons (Sec. 4(2e)). However, they must first try to use methods other than firearms. For example, when a criminal stands outside an iron gate, holds a knife in his hand and threatens the police guards standing inside the iron gate to make them open the door, the police guards can use police sirens, telephones or other methods to ask for support without using guns or other approved weapons. The use of lethal weapons is very much a last resort. Officers may also use firearms when a criminal holds a weapon and refuses to hand it over to the police. In recent years, criminals have carried weapons which they attempted to use. When the police execute a mission and encounter criminals who hold weapons, they can investigate and prohibit them. When they identify those who attempt to cause trouble, the police must try to persuade them to cast the dangerous weapons away to maintain public order. If the criminals do not follow this order, the use of guns or other approved weapons is allowed to force them to do so and to eliminate the danger.

As already mentioned in Chapters 1 and 6, in England and Wales, the regulations for the use of firearms are mainly written in the *Guidelines on the Police Use of Firearms* (GPUF). In Section 1.12 of the Guidelines states: 'Nothing in these guidelines affects the principle to which Section 3 of the CLA 1967, gives effect; that only the minimum force necessary in the circumstances must be used. The degree of force justified will vary according to the circumstances of each case...'. It is the principle of 'Use of Minimum Force'. The principle of minimum force is highly valued and is at the core of the relationship between the police and the public. The restraint shown by police officers in many situations is evidence of the principle in practice. It is fundamental for public approval of police action and complements the principle of policing by consent. It is always necessary to show that the degree of force used was only sufficient to achieve the objective and the degree of force used must be commensurate with the resistance offered. Force must not be employed if the objective could be achieved by other means (Pike 1985: 115-116). According to Alderson:

> Superior police, therefore, always aim to achieve their goals by true authority and persuasion. Force, on the other hand, has to be used if the public peace and safety are to be maintained, but when entering upon a forcible solution police should always use the minimum force. Force can be dangerous for both the user and object, since undue force incites retaliation on a bigger scale and is the genesis of escalation. When

> carried to a peak these competing forces can destroy or irreparably damage the protagonists. In police terms this is catastrophic, as the building up of a new police relationship with the public, from which to operate in a superior manner, may take generations (Alderson 1979: 13)..

Section 1.2 of the Guideline states: 'Firearms are to be issued only where there is reason to suppose that a police officer may have to face a person who is armed, or otherwise so dangerous that he could not safely be restrained without the use of firearms, or for protection purposes, or for the destruction of dangerous animals'. Section 1.3 states: 'Firearms are to be used by authorised and trained police officers only as a last resort where conventional methods have been tried and failed or must from the nature of the circumstances obtaining the unlikely to succeed if tried. They may be used, for example, when it is apparent that a police officer can't achieve the lawful purpose of preventing loss, or further loss, of life, by other means'. These are the principles governing the issue and use.

Why should the use of deadly force be a last resort, and continue to fall within the exercise of police discretion? Alderson indicates three important reasons.

> Firstly, the killing of a person by a police officer is within the law only if it is done to avert the apprehended killing of another person. Colloquially known as 'the doctrine of minimum force', the force used should be commensurate with the object it is used to achieve. Secondly, the killing of a person by a police officer is a judicial act since the officer is the agent of the law. If he or she does it within the law it becomes excusable homicide, but if he or she does it outside the law it is either murder or manslaughter and the officer may be charged accordingly. Thirdly, the act is irrevocable. Nothing can restore the *status quo* (Alderson 1984: 63-64).

In the C.3 Specialist Weapons—Firearms of the *Public Order Guide to Tactical Options and Related Matters* (POGTORM), published by ACPO Public Order Sub-Committee in April 1985, there are several regulations concerning the police use of firearms when dealing with public order cases. For example, 1.1 states: 'The use of firearms is contained within the ACPO *Manual of Guidance on the Police Use of Firearms* and applies to public order situations. The use of minimum force and the individual responsibility of AFOs are particularly relevant'. 1.3 states: 'The principles to be considered for the deployment of firearms are: (a) provision of tactical firearms support when firearms or other deadly weapons are being used or displayed at or there is positive evidence that they are likely to be used; (b) provision of a non-lethal support/response with baton rounds/CS Munitions; (c) to dissuade the use of deadly weapons.'. It also

regulates the objectives. 2.1 states: ' The appropriate police strategy in such a situation remains, as it would in other circumstances involving the criminal use of firearms: (a) the preservation of life and prevention of injury, firstly in respect of members of the public; secondly in respect of the police; (b) termination of the discharge of the weapons(s); (c) the detention of the offender(s)'. Furthermore, in 2.2, it states: 'Withdrawal of police from the immediate line of fire may stop the shooting. If however, the situation threatens others and requires an immediate solution, firearms must be deployed in response.'.

It is clear that both Taiwan (ROC) and England and Wales strictly regulate the use of firearms by police officers. However, in England and Wales the rules are simpler and more emphasis is placed on general principles whereas Taiwan (ROC) has more concrete and detailed rules about the time to use firearms and truncheons. Another important difference between the two countries is that the AUPW 1985 is a law in Taiwan (ROC). It has been debated thoroughly in Parliament, gathering opinions from various walks of life, reported thoroughly by the mass media, and becoming known to the public. Therefore, after passing, the public may more easily accept and support the Act and have confidence in it. Generally speaking, the public know when the police may use firearms and if a police shooting incident occurs, the public can also make their judgement objectively, supporting the police action when appropriate. The criminals also know when the police officers may use firearms, in order to protect their own lives, and sometimes they will abandon their resistance and surrender.

Although the CLA 1967 and the PACE 1984 are laws, both mainly regulate the 'use of force' by the public and the police officers. The rules for the police officers to use firearms are mainly regulated in the MGPUF. However, while in liberal-democracies (like Great Britain, the USA and the Irish Republic) the conduct of the police is closely circumscribed by law, it is not unusual for them to breach formal constraints and to act outside the law, whether in the detection of ordinary crime or in the prevention and quelling of disorder (Brewer *et al* 1988: 215). Unfortunately, the Manual governing the use of firearms is not a law, and only has the status of an advisory order. The Manual was agreed by ACPO and the Home Secretary and most of its contents remain confidential. Only senior police officers know the Manual, and the great majority of the public are unaware of its existence. Thus, the public and indeed

criminals are ignorant about the occasions when the police may use firearms. Alderson has noted:

> Force of itself is neutral. Its potential for harm however is great. In modern states the state itself claims monopoly over the ultimate use of force. In organised society the use of force or the threat of its use by authority therefore requires the explicit or implicit sanction of the law. Use of force not sanctioned by the law is therefore, even when used by persons in authority, described as unlawful (Alderson 1979: 49).

The use of firearms by police officers greatly affects the rights of the public. The rules on the police use of firearms are better as a law, not just an order. England and Wales may take Taiwan (ROC) as an example to regulate their own Act concerning the use of firearms by police.

7.3 Procedures Before the Use of Police Weapons

The Constitution of Taiwan (ROC) protects the rights of citizens and the police must abide by the Constitution and take all action to safeguard citizens' rights. The *Act on the Use of Police Weaponry* 1985 makes this clear and stipulates the procedures to be followed before police weapons are used.

The police are only empowered to use weapons when no other options are available and whenever possible they must first give a warning. The regulations state that officers must deliver their warnings in a loud and clear manner and fire warning shots if circumstances so permit. If the situation is too urgent to make any warning, police weapons can be used directly without warning. The users must evaluate the situation and make a quick judgement. When the reason for the police using weapons has disappeared the officers should stop using them immediately (Sec. 6). What is called 'the reason of being able to use police weapons' is when the police carry out their duty and encounter the situation where truncheons are needed to command or to stop and the use of guns or other weapons, regulated in the Act on the AUPW 1985 from Sec. 2 to Sec. 4. It is forbidden to go on using police weapons if the original cause has diminished or disappeared.

In England and Wales, the *Manual of Guidance on Police Use of Firearms* outlines the procedures which must be followed before weapons are used by police officers. First, they should refer to the *aide memoire* which lists the essential points to be observed. The pre-operation briefing by senior officers is

of paramount importance and must include both authorised firearms officers and non-firearms personnel involved in an operation. Senior officers must stress the objectives of any operation including specifically the individual responsibility of authorised firearms officers. If it is reasonable to do so an oral warning must be given before opening fire. At all times, officers must remember that firearms are to be used only as a last resort. The objective of an armed police operation is to incapacitate and arrest an armed suspect with the least possible danger. A completely successful operation is one in which the suspect is arrested without a shot being fired. Whilst stress is placed on the importance of an oral warning, the police are not permitted to fire warning shots. The *Manual* also stipulates that urgent steps must be taken to ensure that early medical attention is provided for any casualties. Under no circumstances should alcohol be consumed by officers carrying firearms. Any officer who has consumed alcohol within the previous 24 hours must report that fact before receiving a firearm for operational or training purposes, and a decision must be made whether that officer is fit for duty in the particular circumstances. Any officer who is receiving a course of drug treatment must take the advice of a medical practitioner about side effects from the drugs upon his alertness and performance, and must report the facts; he may be excluded from a firearms operation or training. It is the responsibility of supervisors and firearms instructors to see that the standards of professionalism taught in training are maintained in the stress of operations.

There are clearly some differences between the procedures in Taiwan (ROC) and England and Wales. In general, of course, the British police are unarmed. Almost all cases involving police use of firearms are 'team operations'. Therefore, they can refer to the *aide memoire*, undertake the briefing, arrange medical assistance and prevent the consumption of alcohol or use of drugs in medical treatment by police officers involved in the operation. However, in Taiwan (ROC), the police officers always carry firearms when on duty, and the styles of patrol are 'one officer patrol', 'two officer patrol' or 'two to four officer patrol'. Most of the cases involving police use of firearms occur in these circumstances and only a few serious cases are dealt with by 'team operations'. When one or two officers are confronted by a situation which requires the use of firearms they cannot usually apply the procedures which are appropriate in team operations. They have to make split-second decisions on the street. According to Pike:

> Since British police officers are unarmed, the use of firearms against armed criminals can be more easily regulated because policies and guidelines are related to the issue of the weapon as well as defining the circumstances in which the firearms can lawfully be used to protect life. The strength of such policies lies in the accuracy of the information which leads to the issue of the weapon and safeguards which exist in order to monitor the use under close supervision (Pike 1985: 127-128).

In Taiwan (ROC), 'warning shots' are permitted. To take another example, in Singapore, the *Guidance Manual No. 2—Use of Firearms* states: 'As a general rule you should never fire a warning shot. However, where specific command instructions permit warning shots to be fired, e.g. to avert an imminent gang clash or to stop one that is in progress, a warning shot may be fired only if it does not endanger the lives of bystanders or residents in high-rise buildings' (The Training Department 1974: 3). In Taiwan (ROC) and many other countries the police are likely to operate in rural environments where the potential harm to innocent bystanders from warning shots is minimal. In addition, a shot fired in the air may serve as a call for assistance by an officer from a rural agency. It is recognised that in some cases, warning shots have been used successfully to defuse escalating and potentially life-threatening situations. One example is the use of the warning shot to impress upon a hostile crowd an officer's intent to employ deadly force to protect himself or others (IACP/BJA National Law Enforcement Policy Centre 1989: 4). Furthermore, some criminals may surrender when hearing warning shots from police officers (Chiang 1985d: 66-67).

However, it must be recognised that warning shots could result in undesirable side effects, such as hitting the suspects, the police themselves, police colleagues, and even innocent bystanders, particularly in a crowded urban environment. In addition, warning shots can and have been mistaken for a shooting exchange that precipitates the use of gunfire by other officers or the suspect(s). If a warning shot is fired by plain clothes police officers, they might be mistaken for gangsters by the uniformed police officers, who could open fire at them. Once the first shot is fired in a hostile confrontation, it is often difficult to control other shooting reactions (Chiang 1985b: 8; IACP/BJA National Law Enforcement Policy Centre 1989: 4). Warning shots may irritate the suspect, and sometimes be misinterpreted with the police officers being shot dead. The criminal may respond to the warning shot by attacking the police, even robbing the officers of their weapons or firearms and shoot the police (Chiang 1986c: 36-46). For these reasons, the British police are not permitted to fire warning shots. In New York City Police Department the firing of warning

shots has been prohibited since 1972. The rationale for this prohibition is twofold: (a) a warning shot could endanger innocent bystanders; (b) warning shots were most often fired in an effort to stop a fleeing felon rather than as a means for reducing the escalation of force. In order to prevent shooting incidents, the New York Police Department issued another order in 1973 to prohibit discharging a firearm at, or from, a moving vehicle unless the occupants of the other vehicle were using deadly physical force by means other than the vehicle itself (New York Police Department 1981: 17-18). The territory of Taiwan (ROC) is only about 36,000 square kilometres, but the total number of people living in the Taiwan area is over 20 million (Shaw 1991: 13-14). The population density is very high, yet warning shots are permitted. There are strong arguments for re-examining this policy to see whether the use of warning shots should be reduced.

7.4 Procedures During the Use of Police Weapons

As is clear from the previous discussion, the principle of the minimum use of force should be applied by police officers in Taiwan (ROC), even when using police weapons. Obviously, when guns are being used it is easy for a person to be seriously injured or killed. The *Act on the Use of Police Weaponry* 1985 makes it clear that whenever possible the police must try to avoid killing people. Except in unavoidable cases, the police should aim for non-fatal parts of the body, such as arms and legs, rather than the head or torso. The purpose of using weapons is to stop illegal conduct, to protect the public and to maintain public order. Weapons must not be used wildly or without due reason. They must never be used deliberately to take lives.

The policy in Taiwan (ROC) is thus one of 'shooting to wound' rather than 'shooting to kill'. However, P.Waddington (1991) argues against a 'shooting to wound' policy, saying that far from reducing death and serious injury it is likely to increase them. He gives two main reasons why this is so. First, he believes that shots intends to wound are in fact likely to miss the target altogether. If this happens, the bullets may hit someone else, causing injury or death, and the target person, who has not been incapacitated, may then cause injury or death to the police officer. Secondly, argues P.Waddington, even if the target is hit they may not be incapacitated:

> Even if shots fired at the limbs strike their intended target, it is far from certain that they would have the intended effect. Compared to the trauma that normally follows being shot in the torso, gunshot wounds in the limbs inflict only relatively slight injury. Even if a person fell to the floor having been shot in the leg, he might still retain hold of a weapon and be capable of using it. There is a further danger: shots fired at the limbs are highly likely to pass through their target, retaining enough velocity to inflict serious injury or death upon anyone unfortunate enough to get in the way (P.Waddington 1991: 81-82).

P.Waddington also makes two other points. If police aim to wound, they need to reassess the position after each shot. This delay may allow the adversary to shoot his or her weapon killing innocent people. In any case, police shots fired with the intention of wounding may actually kill the suspect or may ricochet off a hard object and cause injury or death to innocent bystanders.

In England and Wales, the objective of police firearms operations is to identify, locate, contain and neutralise the armed suspect by the safest possible means. The first duty of the police when using weapons is to safeguard the public. The police must not endanger their own lives or the lives of their colleagues in desperate attempts at rescue or early arrest. The physical welfare of an armed suspect must not be given greater consideration than that of police officers. Operational priorities can be summarised as: (a) the safety and well being of the public at large; (b) the safety of police officers; (c) the safety of the armed suspect should only be considered when this can be done without unnecessary risk to the public or the police. In the Metropolitan Police, the formal firearms policy is containment not confrontation. The aim is to contain the armed suspect and seek his or her peaceful surrender. In this way the safety of the public, the police, and the armed suspect is maintained. Only if the safety of an innocent person or the overwhelming need to secure easily destroyed and vital evidence is likely to be jeopardised by containment will the police confront the armed person. For example, if there were good reason to believe that a hostage was about to be seriously harmed, then police would be obliged to take forcible action to eliminate the threat.

In England and Wales, authorised firearms officers (AFOs) are trained to shoot at a given area, usually the torso. Any shot aimed at that target area is likely to result in grievous bodily harm. Therefore, if officers shoot with the intention not to kill the suspects, but to stop them, they must realise that a possible consequence is the death of the suspect. Police officers must therefore believe before they shoot that causing grievous bodily harm or possibly killing

the suspect is reasonable under those particular circumstances and that the conditions of Section 3 of the CLA 1967 apply. And it follows that if the circumstances would not justify the killing there must be no attempt to stop suspects by shooting merely to wound them. Furthermore, the police must be aware of the public image of the police operation, especially as operations involving the use of firearms are of particular interest to the media and the general public. The image of the police is always at stake, and can be affected particularly by the physical appearance and deportment of armed officers in public. It is important for public confidence that by their bearing and conduct, police officers are seen to be well-trained and disciplined in handling potentially lethal weapons. Handguns should be holstered and concealed whenever practicable. Rifles and shotguns should not be displayed publicly unless absolutely necessary, and must be carried properly at all times. Surrey Police operate a particularly covert philosophy, ensuring that the exposure of police weapons in public is kept to an absolute and necessary minimum. All police officers should be dressed in an unmistakable police uniform appropriate to the circumstances. Plain clothes officers must have a distinctive means of identification, for example, chequered arm-bands. Furthermore, as a general rule, camouflage type clothing is required only by riflemen engaged in surveillance.

We have argued, so far, that in both Taiwan (ROC) and England and Wales great care is taken to regulate the use of police firearms. There is a potential conflict between the police officer as protector and as law enforcer. It is important that the use of firearms by the police does not adversely affect public support or the legitimacy of the police. A major difference between the two countries is that in Taiwan (ROC) the police are encouraged to shoot to wound whereas in England and Wales police are instructed to fire at the torso, with a high probability that this will kill the suspect.

7.5 Procedures After the Use of Police Weapons

In Taiwan (ROC), after the police have used weapons, they must report the occurrence to their superiors. However, the use of police truncheons to command does not need to be reported (Sec. 9). No matter whether police use guns or police truncheons to stop under any situation, it should be reported to their superior in oral or written form immediately.

In England and Wales, if a police officer fires his or her gun, he or she must complete an 'Operational Discharge of Firearm' proforma and the fact will be recorded in any evidential document which is compiled. The weapon will then be handed to a scenes of crime officer and will be forensically examined. The records of issue and operational use should be maintained. All occasions on which shots are fired by police officers other than to destroy dangerous animals must be thoroughly investigated by a senior officer and a full written report prepared.

Both countries have similar procedures after the use of police weapons. It is clearly important that supervising officers should be aware of the use of firearms, and should record the circumstances in which they were used. The senior officers must satisfy themselves that the usage was legal and correct and must retain full details as these may be required for criminal or civil court proceedings. In the U.S.A., a written report prepared according to departmental procedures is required: when a firearm is discharged outside of the firing range, when a use of force results in death or injury, or when a non-lethal weapon is used on a person. A supervisor must be immediately summoned to the scene (Model Policy: Use of Force, IACP/BJA National Law Enforcement Policy Centre 1989). These procedures are similar to those used in both Taiwan (ROC) and England and Wales.

7.6 Police Firearms Training

It is clear from the previous discussion that the training given to police officers in the use of firearms, and indeed other weapons, is of fundamental importance. As a society becomes more civilised, more free and educated, it requires of its police greater understanding, perception and skill, that go beyond simple enforcement of the law (Alderson 1979: 24). Training is a permanent part of every job and certainly a lifelong development process in order to meet new challenges and changes. Firearms training for law enforcement officers is no exception (Schrader 1988: 1-3). Adequate police training is more important than ever before. Not only does good training increase the effectiveness and safety of the police officers, it may also reduce the potential for criminal and civil liability of the officers, the supervisors and the agency. This potential for liability may range from cases involving use of force and deadly force, to failure to provide medical care, to those involving arrest procedure. It is essential that police officers are provided with appropriate training (Danne and Hendricks,

1991: 26-29). All police chiefs must adopt the concept: 'Use your resources in the training room, not in the courtroom' (*The Police Chief* October 1991: 50). A police officer's decision to shoot may be affected by a number of factors which include: individual values, facts of the situation, state law, department policy, and training. A good training programme is essential for proper and effective use of police firearms (Brown 1984: 133).

(i) Police Firearms Training in Taiwan (ROC)

Police firearms training in Taiwan (ROC) can be considered under four heading: military training, training at college or university, in-service training and special response teams training.

(a) Military Training

According to Article 20 of the Constitution of the ROC, 'the people shall have the duty of performing military service in accordance with the law'. Furthermore, the Military Service Law promulgated in 1933, stipulates that all males in the ROC are liable for military service and Article 3 of the law states, 'male persons shall be liable for military service on 1 January of the year immediately following the year in which they reach the age of 18'. People who join the police also have this duty. The age of almost all new recruits in the Taiwan Police College (TPC) and Central Police University (CPU) is about 18 years old, which is the age for them to perform military service in the military training centre.

The male students of the Taiwan Police College must perform a three-month long military service. For the four-year bachelor's degree programme, male students of the Central Police University must perform six-month long military service. The six months are divided into two phases: before entering CPU, students must perform three months military service and after graduation they need to perform another three months of military service. Both the female students of TPC and CPU must stay at the college or university to receive three months' training[1] when the male students perform the military service in the military training centre. The contents of military service includes not only military knowledge, but also several kinds of firearms training and military tactics.

[1] Some of this time is spent on military and firearms training.

(b) Training in College or University

At the Taiwan Police College all the students (both male and female) must attend a military course and a firearms shooting course. Firearms training is much more than simple shooting. Both the firearms training in TPC and CPU include the discussion of the law concerning the police use of firearms, non-shooting alternatives, when to shoot, avoiding being shot, firing under many different conditions, an obstacle stamina course, under adverse conditions, deciding which target to hit first, coping with stress, and putting the trainee firearms officers into a realistic stressful situation rather than an artificial 'sport shooting' environment as much as possible (Chiang 1985d: 159-160). Students also use laser and computer equipment to support firearms training (Wang 1990: 75-86) and take a self-defence skills course, which includes Judo, Taikwondo, hand-to-hand combat skills, and police truncheon skills.

At the Central Police University all the students must attend a military course, a firearms shooting course and a self-defence skills course, which includes Judo; wrestling; restraint techniques; Taikwondo; car-driving and motorcycle-riding skill; hand-to-hand combat skill; police truncheon skill. The firearms shooting course entails intensive training in all aspects of the use of guns in different conditions.

(c) In-Service Training

The National Police Administration (NPA) and each police force holds monthly, quarterly, half-yearly, and annual in-service training. They last for between 2-5 days, and the programme includes not only regulations about the police use of weaponry, but also the practices of firearms shooting, Judo, Taikwondo, wrestling, hand-to-hand combat skills, and police truncheon skills. All the police are required to take part in the shooting test—if they fail to reach the standard[2], they will receive an administrative punishment. In order to encourage each force to emphasise the shooting and self-defence skills training, the NPA holds a national competition in shooting, Judo, and Taikwondo each year. All police forces must organise a team to participate, and the first three individuals and teams receive prizes and other rewards from the Commissioner or senior officers of the NPA.

[2] The standard is 70% normally.

(d) Special Response Teams Training

Since the 1980s, as a result of the increase in violent crime the safety of civilians and police have been increasingly threatened. In order to solve this problem, since 1985, the NPA have organised Special Response Teams[3]. The members of the teams are strictly selected from each force from those who are young, loyal, have a minimum of two or more years' police experience, in good health, with good judgement, good service records and good personal characteristics[4] and skills[5]. The training for the Special Response Teams lasts for six weeks (262 hours) and is designed to strengthen the skills of shooting, tactics, and self-defence. The officers receive training in the use of equipment such as body armour, load-bearing vests, gas masks, hand guns, tommy guns, rifles, machine guns, and gas weapons.

At the end of 1991, the Special Response Teams had trained 3,000 members. After the training, they go back to their original force. Their main tasks are to deal with serious and more dangerous cases, for example, high risk arrests and hostage-taking cases. In order to test and improve their skills each year, all the members must go back to the First Peace Preservation Corps to receive month-long re-training.

(ii) Police Firearms Training in England and Wales

Chapter 5 outlined training for police recruits in England and Wales. During the two-year probationary period, new police recruits receive almost no firearms training. The Report of the Royal Commission on Police Powers and Procedure (1929) pointed out:

> The police of this country have never been recognised, either by the law or by tradition, as a force distinct from the general body of citizens. Despite the imposition of many extraneous duties on the police by legislation or administrative action, the principle remains that a policeman, in the view of the common law, is only a person paid to perform, as a matter of duty, acts which if he were so minded he might have done voluntarily... Indeed, a policeman possesses few powers not enjoyed by the ordinary citizen, and public opinion, expressed in Parliament and elsewhere, has shown great jealousy of any attempts to

[3] This is similar to the Special Weapons and Tactics Teams (SWAT) in the U.S.A..

[4] For example, to be non-smokers, and be light drinkers or abstainers, etc.

[5] For example, Judo, shooting, etc.

> give increased authority to the police. This attitude is due, we believe, not to any distrust of the police as a body but to an instinctive feeling that, as a matter of principle, they should have as few powers as possible which are not possessed by the ordinary citizen and that their authority should rest on the broad basis of the consent and active cooperation of all law-abiding people' (Robilliard and McEwan 1986: 2).

However, nowadays, they do receive physical training which includes a course of self-defence, and classes in first aid demonstrating the basic ways of saving life.

After the shooting of three officers in Shepherd's Bush in 1966 mentioned earlier, the police were forced to respond to the growing problem of armed criminals by equipping and training officers in the use of firearms (*Police Review* 31 January 1992: 207). The shooting of Stephen Waldorf in 1983 led to a re-thinking of the process for selecting police officers for training in the use of firearms and of the form that the training should take. In December 1983, after a police disciplinary inquiry had decided that formal disciplinary charges should not be brought against the two officers involved in the shooting, the Home Office issued a statement on the 'operational implications to be drawn from the incident'. The statement included the following passage:

> There are further measures which need to be introduced to ensure that particular care will be taken in choosing and training officers for firearms duties, so that they can withstand the stress inherent in any armed operation. Greater emphasis will be placed on the background, temperament and personal circumstances of those applying for selection as firearms officers. The continuing suitability of firearms officers will be regularly assessed' (Baxter and Koffman 1985: 194).

Following a spate of accidental shootings, recent police training has emphasised a policy of 'fewer, better trained' police marksmen (*The Independent* 3 January 1992: 2). It is also preferable to have a smaller, highly-trained pool rather than a large reservoir of marksmen (*Guardian* 3 January 1992: 2). If a police officer wants to become an authorised firearms officer and receive firearms training, he or she should apply and pass the *Minimum Standards for Authorised Firearms Officers, Selection Criteria and Safety Factors*[6]. The criteria of the applicants to be assessed are such as length of service, attitudes and approach to work, motivation and interests, temperament, maturity and personality, relationships with colleagues and supervisors, physical suitability. Selection can involve any police officer, with more than two years' service, who

[6] Detailed in Chapter 2 of the Manual of Guidance on Police Use of Firearms.

volunteers for the role of police firearms duties. Similar to other specialists, this is an unpaid position, where the individual has to display characteristics suitable for the role. On this occasion the selection process is exacting and includes physical and psychometric testing (Mirrlees-Black 1992), plus examining background characteristics, supervisory assessments, and interviews. The skill of using a firearm to a high standard is less significant, at the early stages, than the right qualities in the officer who volunteers. Because of the difference in military and police philosophy in the use of firearms, previous military experience is not necessarily a qualification for selection for any of the categories until sufficient basic police experience has been gained.

The final decision that an officer is suitable for firearms training will be made at ACPO level. Authorisation of an officer as an AFO is the responsibility of the chief instructor of each force. All AFOs should be subject to an annual monitoring of their fitness and suitability for their specialist role. There are now six national training centres: Northern Ireland, Metropolitan Police., West Yorkshire, Lancashire, Northumbria and Devon and Cornwall. Training has been standardised in accordance with guidelines from the Home Office and ACPO. During their training, their personality and coolness under pressure is assessed. Officers described as 'glory seekers', 'weapons freaks', 'loners' or 'cowboys' are failed. Officers are assessed under the headings of shooting ability, gun handling, tactics and personality. They are subjected to simulated situations, using videos and moving targets and have to act out incidents with other officers playing gunmen. Firearms officers are taught to give immediate warnings that they are armed and to call on suspects to drop their weapons and give themselves up, usually by lying face down on the ground with their legs splayed apart. They are trained to fire at the upper body of the suspect. Other rules of engagement include never firing at or from a moving car, never firing where a member of the public's life would be endangered and not using weapons within 24 hours of drinking alcohol.

As mentioned earlier, the categories of specialisation include AFO; AFO plain clothes; Protection Officer V.I.P.; Convoy Escort Driver/Passenger; Rifleman; Shotgunner; AFO Special team; CS/Baton gunner; Firearms Instructor; Tactical Advisor; and Negotiator. Each kind of specialisation receives different firearms training and different minimum standards of skills achieved. For example, an Authorised Firearms Officer's required skills and standards include the capability of achieving a 70% success rate over a varied shoot of at least 50 rounds in one session and at least three times in each

successive year must be capable of maintaining this standard. AFOs must attend shooting and tactical skills training each year. They must also pass tests in loading, unloading and reloading in daylight and darkness, cleaning and maintaining weapons, and making loaded weapons safe. They must also show an understanding of basic tactical requirements, skills in planning a police initiative operation involving firearms and skills in briefing for a police initiative operation involving firearms; and personal stability[7].

A force rifleman is required to master all the skills and standards of an AFO and skills in rifle handling of force rifles, both 7.62mm and sub-calibres and must be able to hit a man-sized target with first shot 400m (7.62mm) or 200m (5.56mm) and head and shoulder target with his first shot at 200m (7.62mm) or 100m (5.56mm) with 90% accuracy in a classification shoot and subsequent re-classification. A rifleman also requires fieldcraft skills in concealment, camouflage, movement and observation; a high level of efficiency and co-ordinated fire and visual selection of target from groups; skills in controlled and co-ordinated fire and visual selection of target from groups; a full tactical understanding of the rifleman's role in containment, observation and intelligence gathering in armed and unarmed operation; and understanding of techniques for the destruction of animals.

In practice, the standards for accuracy, the frequency of training and policies of when to issue firearms vary widely across the country. In Leicestershire, for instance, the required shooting standard is 80 per cent hits on target, whilst in many other counties an acceptable standard is as low as 50 per cent 'hits', although it should be noted that different degrees of difficulty existed in the 'style' of the qualifying shoot[8]. There were about one hundred AFOs in the Leicestershire Constabulary at the end of 1992, who were divided into three classes. Sixty-six of them were containment officers, ten of them were VIP protection officers, and twenty-four of them were in the Tactical Firearms Unit (TFU). All the AFOs receive a three weeks basic firearms course. Then the containment officers receive two days firearms training every three months[9]. VIP protection officers need to receive another three weeks' long VIP

[7] To satisfy instructors and supervisors of a stable and mature attitude with firearms under stress.

[8] See Ford 1990: 25; Also see the data offered by the Leicestershire Constabulary.

[9] The total is eight days a year.

protection course and receive one day of firearms training every month[10]. The TFU should receive one day of firearms training every week[11], and the contents of the firearms training include shooting development; shooting tests (once per month); search; intervention; VIP protection; ambush; public order; CS gas; containment. Generally speaking, the TFU consists of the best AFOs in the police force[12].

In the Surrey Police, the establishment of the AFOs is 83, but only 63 are presently authorised. They are divided amongst officers who provide uniform static protection, VIP protection and emergency response to firearms incident. Basic firearms officers receive a 2 week initial course and three days of continuation training, prior to authorisation. They then receive 8 days training per year. They also receive 'on ground' training at static protection sites. VIP Protection Officers must complete a VIP/Bodyguard Course and also undertake a minimum of 8 days training per year. The Firearms Support Team train on two days per month, having completed a strict selection process. The standards of achievement in Surrey Police exceed the minimum standard of 85% for basic AFOs and 95% for their Firearms Support Team[13].

The majority of AFOs are ordinary duty officers, drawn from uniformed street patrol, although in some cases they are tactical teams who train more frequently, and in just a few localities they are full-time police firearms officers who are usually firearms instructors as well. One such unit was the famous D 11 firearms unit of the Metropolitan Police, which is now known as SO19 (*The Times* 19 April 1993: 3).

Training in the use of firearms in the Metropolitan Police is outlined in the document *Police Firearms: Policy, Training, and Weaponry.* AFOs receive a basic course. Protection officers complete a special 'bodyguard' course; force riflemen receive special training in the use of their weapons; Level II officers complete a four-week special course and train regularly; and Level I officers complete a six-week instructor's course, followed by a three-week advanced team training course, after which they follow a cycle of instructing others, team

[10] The total is twelve days a year.

[11] The total is fifty days a year.

[12] See the data offered by the Leicestershire Constabulary.

[13] Data provided by the Surrey Police.

training, and operational readiness. Moreover, four times annually, AFOs and all other authorised officers must satisfy the standards of marksmanship required to maintain authorisation.

The basic firearms course in the Metropolitan Police lasts two weeks, at the end of which trainees are given a written and practical test before acquiring their authorisation to carry a revolver. Roughly half the time is spent on the practice range, acquiring shooting and handling skills. The other half is spent in the classroom being taught aspects of law and procedure or engaging in various practical exercises. Level II officers are selected from AFOs who have shown themselves specially competent. They complete a tough three-week course which raises their basic techniques to a much higher level of competence. The purpose of Level II officers is to relieve AFOs of the more dangerous tasks such as house-searching, taking the surrender of armed persons, and 'ambushes' where the threat level is judged to be moderate. They will normally be called in once AFOs have contained an armed person, and are often called to undertake planned arrests of suspected armed offenders.

Level I officers provide the response to incidents requiring special weapons and tactics. They also train all other officers in the force authorised to carry any particular weapon. Hence their training requires them to qualify at the highest standard on all the weapons used by police. The task which they, and they alone, perform is hostage rescue: they must be able to force an entry, engage hostile suspects, and rescue hostages. They must acquire skills in abseiling down the outside of buildings, how to use ladders to climb through windows and how to enter a room and engage hostile suspects without endangering innocent hostages. This relies on skills that must be practised repeatedly, not only on buildings but also coaches, trains, and aircraft. It demands rapid and accurate shooting in all kinds of conditions, and also an ability to use Hatton rounds and distraction grenades. Forced entry is also required when essential, and easily destroyed, evidence must be seized. With the growth of organised drug-pushing, there has been a growth in the frequency with which premises are raided where occupants are believed to be armed. Level I officers follow a five-week cycle: four weeks of instructional duty is followed by a week's team training and operational stand-by. In addition, Level I officers liaise with other police forces and the SAS, and engage in occasional joint exercises in preparation for an incident such as the Iranian embassy siege, in which both police and SAS were involved.

(iii) Comparison of Police Firearms Training in Taiwan (ROC) and England and Wales

Following the end of the Ch'ing Dynasty, the national strength of China was weakened, facing continuous civil war and war against foreign powers, and social order deteriorated. The main task of the police during the period was to maintain social order and to support the military. Therefore, traditionally, the police were armed and every police officer needed to receive firearms training and self-defence skills.

All police officers in Taiwan (ROC) receive long term firearms training and self-defence skills from their probationary year. They gain sufficient knowledge and skills about firearms and self-defence skills and have the ability to protect themselves and the public. They have the ability to deal with firearms incident cases by themselves at any time. The police in Taiwan (ROC) usually carry .38 revolvers and if any serious criminal cases or incidents involving firearms occur, more specialised teams—Special Response Teams—will come to support or take over. For example, on 11 April 1992, the Special Response Teams were hunting members of a gang led by the most wanted criminal, Chen Hsin-fa, 26, nicknamed 'The Dragon'. He and two members of his gang burned to death in a Taipei apartment after a two-hour gun battle with police. More than 100 police with automatic weapons, tear-gas grenades and bullet-proof vests stormed Chen's apartment at dawn and more than 1,000 rounds were fired in the gun battle (*Police Review* 24 April 1992: 757; *Police Torch* May 1992: 1 and 29).

As they have all received firearms training the police are able to support the military at times of emergency. There are, however, disadvantages in having all officers trained and equipped with firearms. The number of police is quite large (about 80,000 police officers in 1991), and the expense of equipment and training are consequently high. The time involved in in-service training is long as well and often affects normal police operations. Although there is a firearms training standard (normally 70%) in military service and police college or university training, the record of firearms training is only a small part (normally less than 5 %) of the total record leading to graduation. Sometimes, if in firearms training the student did not reach the standard, he or she will still graduate and thereafter will be authorised to use weapons, even though their standard is not high. Usually, as a result of further training their standard will improve but this does not always happen and so some police officers may continue to have a low competence in the use of weapons.

Although the National Police Administration (NPA) and each force hold monthly, quarterly, half-yearly and annual in-service training to strengthen the firearms training and self-defence training, due to the large number of police officers and busy police operations, the in-service training is not always executed well. If the firearms test in the in-service training does not reach the required standard, the officer only receives administrative punishment, as mentioned previously, and the authorisation to use the police weapons is not stopped[14]. This may pose a threat to the police and the public as well. All police must receive firearms training and self-defence skills in the in-service training. It is however easy for the police to injure themselves when they practise. For the young police officers, there are few problems when practising self-defence skills, but for the older police officers, it is easy for them to hurt themselves. This results in some of the police officers making excuses to escape the training!

The firearms training, especially the Special Response Teams' Training, often emphasises the violent and dangerous, stressing officer survival techniques, strength and virility, with a non-emotional response viewed as a necessity. Sometimes shooting is presented as an heroic act—as the ultimate, the best part of the job, the chance for an officer to really earn the badge. This approach complements the general admiration of forceful people who act because the end is good even though the means may be objectionable. Such beliefs can be further advanced by attitudes of field training officers and peers. Furthermore, a macho police image, combined with the need for non-emotional responses and the tendency to seek out violent or dangerous activity, can lead to an inability to express feelings of inadequacy or pain (Yuille 1986: 167). Geller (1982: 172-173) recommended that the police firearms training should be in three basic areas: policy, human relations techniques, and tactics for the use and non-use of weapons. Policy training should include formal classroom instruction for recruits and in-service personnel; roll-call reminders to shoot only as a last resort, or to avoid mixing guns and alcohol after the tour of duty is completed; and informal field conversations with supervisors or peers. Human relations training has been urged so as to sensitize officers to human motivations and to cultural differences among racial and ethnic groups that might lead officers to misread the dangerousness of a situation on the street.

[14] In fact, authorisation to use police weapons cannot be withdrawn, because every police officer should carry firearms when on duty.

With only a few exceptions, the British police officer does not carry a gun openly. He or she carries only a truncheon and even that is hidden in a trouser pocket. In police training in England and Wales, there is almost no firearms training during the two-year probationary period. If any police officer has the desire to become an AFO, he or she must volunteer and their qualifications must meet the force needs. Their application must be assessed by senior officers and after the firearms training the officer is issued with an authorisation card and is entitled to carry and use firearms if firearms incidents occur. Normally, AFOs execute their duties in the territorial division with their colleagues. If any firearms incident occurred, they would be summoned and, after briefing, they are sent to the scene to deal with the incident. The policy is 'less officers trained to a higher standard', so the AFOs in each force are only a small part of the total police strength, as shown in Table 7.1.

Table 7.1 Number of AFOs in Leicestershire and Surrounding Constabularies in 1989

Force	Number of Officers	No. of AFOs	% of Force
Cambridge	1,180	50	4.2
Derby	1,793	105	5.9
Leicester	1,766	90	5.1
Lincoln	1,183	90	7.6
Northampton	1,054	90	8.5
Nottingham	2,200	126	5.7
Stafford	2,200	45	2.0
Warwick	981	43	4.4
Total	12,357	639	5.2

Source: Ford 1990: 45

In 1988, there were 7,194 authorised firearms officers in England and Wales, which represented only 5.8% of the total police strength. A recent survey conducted by this research shows that the average of the ratios of AFOs to police officers is 6.10% (see Chapter 6.1 (b)). This ratios is very close to that in 1988. Police firearms training in England and Wales is not generalised, rather it is professionalised. Only a few police officers receive firearms training, and this is very different from what happens in Taiwan (ROC). The position in England and Wales has a number of advantages. The AFOs are volunteers, and have not been forced to carry guns by the organisation. The force strictly selects the applicants according to their criteria and the individual differences of the

applicants. According to the job need, the AFOs are divided into several kinds of special groups, for example, AFO; AFO plain clothes; protection officer V.I.P.; convoy escort driver/passenger; rifleman; shotgunner; AFO special team; CS/Baton gunner; firearms instructor; tactical advisor; and negotiator. Each group receives different special training and needs to have different skills and reach different standards. This makes each special group more specialised and professionalised.

Because the number of authorised firearms officers is quite low, it makes it easy to arrange firearms training, and not to affect adversely normal police operations, it saves training expense and it ensures the authorised firearms officers easily know each other. They train together, often work together and it is easy for them to build understanding and trust which makes co-operation easier. This kind of training is very similar to the that of Special Response Teams in Taiwan (ROC). As P.Waddington points out, the advantages of specialisation are clear:

> a small group of officers can be removed from general policing commitments and dedicated to firearms training and operations, ensuring the highest standards of competence. The same officers work together as a team, thereby coming to know each other's capabilities and acquiring trust in one another, so that they can act as a cohesive unit rather than as a collection of individuals. Elite status raises morale, and can become an incentive for maintaining strict discipline (P.Waddington 1991: 54).

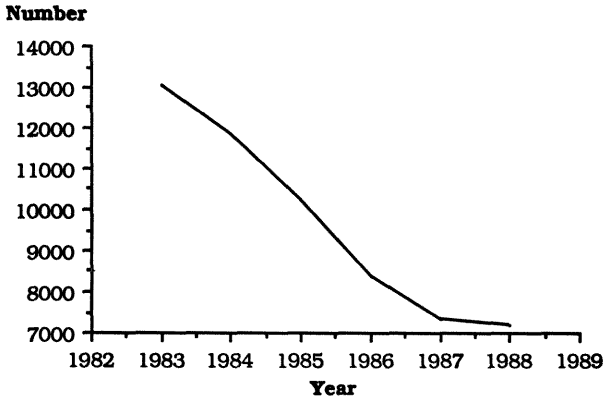
However, there are also some disadvantages with the position in England and Wales. Between 1983 and 1988 the number of volunteers for AFOs declined rapidly with a 45 per cent reduction following the 'mistake shootings' (Waldorf, Shorthouse, Groce) by the police in the early-mid 1980s (Ford 1990: 3, 29, and 117). After these police shooting incidents, the police policy was to reduce the number of AFOs. Suddenly it was distinctly unattractive for most police officers to be involved with guns The phenomenon of diminishing numbers of volunteers for the AFO role started to be a problem (see Table 7.2 and Figure 7.1).

Table 7.2 Number of AFOs in England and Wales 1983-1988

End Year	No. of AFOs	% Reduction Over Previous Year	% Reduction End of 1983
1983	13,044	-	-
1984	11,873	8.97	8.97
1985	10,244	13.72	21.46
1986	8,395	18.05	35.64
1987	7,349	12.46	43.66
1988	7,194	2.11	44.84

Source:Home Office 1991e: Annex B

Figure 7.1 Number of AFOs in England and Wales 1983-1988



Source: Home Office 1991e: Annex B

The force does not offer any incentives[15] to attract volunteers. On the contrary, the AFOs get no additional reward; they must sometimes risk their lives and they lose some liberties[16]. They must also receive more training than the ordinary officer; be ready to be called on at any time; be responsible for shooting incidents; experience more job stress than ordinary officers; and there might be an adverse effect on normal work and on family life. On average, this results in the number of volunteers to be an AFO being inadequate. According to Ford:'The lack of police officers volunteering to become AFOs indicates a decline that could seriously affect operational (firearms) efficiency in future years. If

[15] For example, enhanced promotion, lateral promotion, financial rewards and improved transfer prospects, etc.

[16] For example, control the consumption of alcohol!

this trend continues, volunteers may become a thing of the past and compulsory-selective training introduced through necessity to maintain an efficient police force' (Ford 1990: 32).

In order to solve this problem, some police forces were forced to change the selection procedure. For example, in 1988, in Leicestershire Constabulary, the ACC sent a memorandum to all sub-divisional and departmental commanders requesting details of officers under their command who fitted the selection criteria for an AFO. The superintendents then prepared a list of officers whom they thought suitable and the details of these potential 'volunteers' were supplied to the ACC without any approach being made to individual officers. By this method 175 officers were identified. The ACC then wrote, an 'in confidence letter' to all 175 potential 'volunteers' and forwarded these to each officer's home address. In this letter each officer was appraised of the limited number of AFOs in the force. They were reminded of the concern that armed crime was rising and were advised that they were considered a suitable applicant for consideration for selection as an AFO. Each was invited to reply in confidence to the ACC without fear of any pressure being exerted on him or her (Ford 1990: 55). The ACC received 87 replies, 55 of the replies interested, but 32 of them not interested. The replies by 55 officers indicating an interest in the selection procedure was seen as a success and it no doubt contributed to an increase in the number of AFOs who came through the selection system in the following years (Ford 1990: 56). But it against the principle of volunteering!

There are various other disadvantages with the current position in England and Wales. The members of the AFOs are only a small percentage of the whole force, but they must deal with all the dangerous cases involving firearms or serious arrests. Only a small percentage of the officers receive firearms training, even self-defence training. Generally speaking, the majority of police lack the ability to protect themselves, especially against crime involving firearms; how then can they protect the public? A survey conducted by this research at the end of 1992 shows that 44% of the respondents believed that the AFOs in their forces did not receive sufficient firearms training. Some of them thought that two days every three months was not enough, when senior officers might order the AFOs possibly to kill somebody in the line of duty (see Chapter 6.1 (k)). Whereas the AFO at the scene will have received possibly two week's initial training and regular refresher training, the senior officer who commands him may be, and in the past frequently has been, wholly untrained.

If war occurs suddenly, the police can not support the military or join the war immediately. Finally, as P.Waddington (1991) points out, there are disadvantages with specialisation: 'an inevitable corollary is that a limited number of officers will be placed repeatedly in the position of having to confront armed criminals and terrorists. Apart from the risk to which this exposes such officers, it also means that these few officers will be repeatedly called upon to decide whether to open fire or not'. This places a considerable burden and stress on a small number of officers.

7.7 Summary

The use of firearms by the police almost inevitably results in injury or death. Normally, in order to prevent police officers from abusing firearms, the regulations and laws governing the use of firearms are strictly controlled. The laws and regulations relating to police use of weapons in both Taiwan (ROC) and England and Wales have been examined and compared in detail in this Chapter. In order to gain public confidence, the rules governing the use of police weaponry are better laid down in law, rather than left to a manual.

Sufficient police firearms training is the best way to ensure police officers use firearms both legally and correctly, and adequent training can also prevent police officers infringing upon peoples' rights. As a result of differences in police tradition and philosophy between Taiwan (ROC) and England and Wales, there is a difference in authorised firearms officers' selection and firearms training between these two countries. The differences and similarities, and advantages and disadvantages between these two systems have been compared and analysed towards the end of this Chapter.

Generally speaking, it can be argued that police firearms training in Taiwan (ROC) is generalised, where as in England and Wales police firearms training is specialised. However, as already mentioned, the police firearms training in Taiwan (ROC) have started to pay more attention to specialisation; for example, Special Response Teams Training has been introduced since the early 1980s. Conversely, as a result of an increasing number of police officers being murdered or assaulted in the late 1980s, the police of England and Wales have started to emphasise the generalisation. For example, an increase number of police officers receive physical training which includes a course of self-defence, and classes in first aid demonstrating the basic ways of saving life. This shows that the development of the police firearms training between the two countries are converging gradually.

Chapter 8

A Comparison of the Use of Police Weaponry in Taiwan (ROC) and England and Wales (III)

The police is the only public service which as a matter of duty, when making arrests or preventing criminal offences, is required and empowered to lay hands on citizens. Daily, throughout the country, there will be thousands of incidents in which such action is taken. Hundreds of arrests are made each day, many of them involving drunken, drugged, or seriously disturbed people. One of the most serious problems faced by the police is the phenomenon of citizen violence directed against the officer in the street. The possibility of being fatally attacked is a hideous thought which haunts every officer to some degree (Boylen and Little 1990a: 61). Therefore, in order to perform their duties, it seems that the use of force by officers, including the use of firearms, is inevitable. Since the use of force or firearms by the police is sometimes unavoidable, injuries, and in some cases fatalities to criminals and civilians are also in some instances unavoidable (see Table 8.1).

Table 8.1 Number of Fatalities/Injuries to Civilians When Police Use Firearms in England and Wales 1983-1989

End Year	Number of Fatalities	Number of Injuries	Total
1983	0	3	3
1984	0	5	5
1985	1	3	4
1986	0	1	1
1987	5	5	10
1988	0	4	4
1989	2	1	3
Total	8	22	30

Source: Lofthouse 1991: 78; Home Office 1991e: Annex B; Revised by the Author.

However, there is no restitution for taking a human life. When deadly force is used, an officer becomes judge and jury immediately, and the repercussions on him or her can last forever (Stratton 1986: 169). For example, in the United States each year police officers shoot about 2,500 people, 350 of whom die (Dwyer *et al* 1990: 295-301) and in New York alone the police shot

more Americans in 1990[1] than Saddam Hussein's army managed in the recent Gulf war (*Sunday Times* 24 March 1991: 1.16).

Both the deaths of police officers at the hands of criminals and civilians killed by police officers, are a tragedy to the whole society. How to deal with police shooting incidents is also a very important topic for the government and the police administration. The discussions and comparisons in this chapter will focus on the responsibility for using police weapons, investigation procedures, compensation arrangements and the ways of dealing with psychological stress after shooting incidents.

8.1 The Responsibility for Using Police Weapons

The police have their own special mission in society. According to Bowden:

> Police forces emerged out of the demand for order in civil society. Their primary task was to preserve public peace and tranquillity. All their tasks, such as the protection and preservation of life and property, the prevention and suppression of crime, the enforcement of laws, the apprehension of offenders and the provision of a wide range of public services, were subordinate to the function of maintaining order. In times of crisis they were to serve as the buffer between elites and masses and perform the essential holding operation against the malcontents until military force could be applied in a punitive and salutary manner (Bowden 1978: 19).

The mission of the police of the Republic of China on Taiwan is to maintain public peace, to protect the security of society, to reduce and if possible prevent all hazards and to promote the welfare of people in accordance with the law. The police have to work for the benefit of, and to render service to, the people with the utmost care, patience, sense of duty, dignity and endless effort at all times. The police must strive with a spirit of adventure and sacrifice to suppress evil in order to build a peaceful and happy society (NPA 1992a). In England, the primary aims and duties of the Metropolitan Police are to uphold the rule of law, to protect and assist the citizen and to work for the prevention and detection of crime and the maintenance of a peaceful society, free of the fear of crime and disorder. They carry out these aims and duties in consultation and co-operation with others in the community (Metropolitan Police 1985: 5).

[1] 108 civilians were shot by police in New York in 1990, resulting in 41 dead and 67 wounded.

According to the Annual Report of Her Majesty's Chief Inspector of Constabulary (Home Office 1992a: 21), the fundamental policing tasks in England and Wales are the maintenance of the peace, the prevention and detection of crime, the encouragement of road safety, and ensuring that personnel are trained and supported. Each police officer swears an oath:

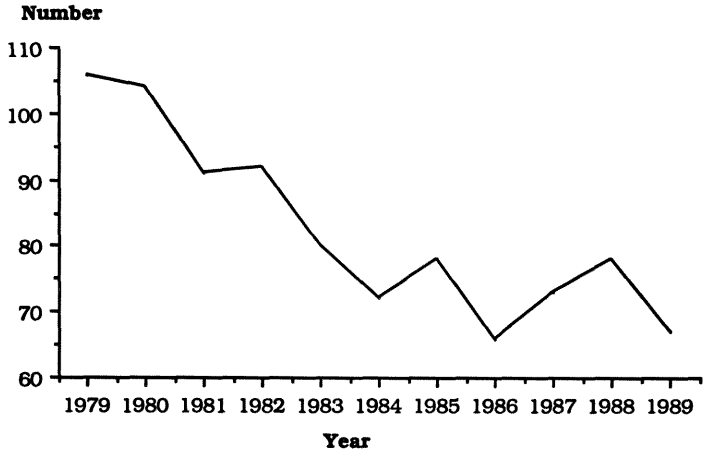
> I do solemnly and sincerely declare and affirm that I will well and truly serve our Sovereign Lady the Queen in the office of Constable without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against the persons and property of Her Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof, faithfully according to law (Whitaker 1979: 44).

Police officers face many stressful situations inherent in their profession, including the threat of being sued and held personally liable for damages because of their actions. Since officers are often placed in 'fast-breaking' situations, they must decide whether to arrest or search, and even to use firearms, with little chance to obtain prior legal advice. By its very nature, law enforcement inevitably places officers in circumstances where they must make difficult judgements, balancing the extent of the authority they exercise with the constitutional rights of the citizens they serve. Citizens rightly expect officers to understand the constitutional principles that govern their conduct. At the same time, law enforcement effectiveness often depends on officers' confidence and willingness to act swiftly and decisively to combat crime and protect the public (Schofield 1990: 26-32).

Police officers are murdered at a rate of about 22 per 100,000 officers per year in the United States, a rate which is one of the highest in the world (see Figure 8.1). No other occupational group in the country has such a high rate. On the other side of the coin, civilians are also killed by police officers at a high rate (Lester 1982: 384). Four civilians in the U.S. are killed by police officers for every one police officer killed by civilians in peace-time (Yarmey 1988: 99-109). Appelbaum (1983: 55) questioned why some are allowed to kill when others are not and why some are liable for punishment for causing injury or death, why should others be given the right to inflict harm? Philosophers in recent years have turned increasing attention to the ethical issues which arise in the practice of various professions. The question of justifying the practices of the police especially the use of force, sometimes lethal is of critical importance. Police are allowed to harm persons in ways which would be considered immoral in most other contexts. In the extreme case, a police professional is given licence to kill

a person. The present climate of abuse or misapplication of the entitlement to use deadly force has made the matter of justification all the more necessary. In order to protect human rights and prevent the police from abusing the force and use of weapons, more stringent laws or rules to regulate the responsibility of the police use of force or weapons are needed.

Figure 8.1: Annual Figures for police officers who have been murdered in the USA 1979-1989



Source: Chapman 1986: 301; US Department of Justice 1982: 12; FBI August 1989: 11 and July 1990: 19; Wilson and Meyer 1991: 29

(i) Responsibility for the use of Police Weapons in Taiwan (ROC)

In Taiwan (ROC), the Act on the Use of Police Weaponry (AUPW) 1985 stipulates that the police should use their weapons according to this Act and must accept responsibility for their actions. The use of police weapons, according to the AUPW 1985, is a legal right for police personnel and so this conduct is based on law. Article 11 of the Act specifies that the conduct of using police weapons based on the Act must conform with the law. Article 21(1) of the Criminal Law Act (CLA) states that 'An act performed in accordance with law or order is not punishable'. However, if a police officer causes injury or death, the medical treatment or funeral expenses should be paid by the government (10(2)).

Article 21(2) of the CLA stipulates that 'An act performed by a public official in the course of his duties and pursuant to the order of his superior is not

punishable unless such public officials knew that such an order was contrary to law'. In Taiwan (ROC), the police are always armed when on duty. In 'single officer patrol' or 'double officer patrol', there are not usually any senior officers present and so the police themselves must depend on their own judgement to decide whether to use police weapons or what kinds of weapons should be used. The responsibilities for illegal and legal use of police weapons is thus that of the individual officers themselves. However, in team operations[2], if a police officer in the course of his or her duties and pursuant to the orders of a senior officer uses police weapons, he or she is not punishable, unless the officer knew that such an order was contrary to the law. For example, if one criminal carries firearms and opens fire on the police, and the senior officer orders the police officers to fire back and this results in the injury or the death of the criminal the police officers who opened fire are not punishable. However, if the senior officer orders a police officer to shoot a non-dangerous and unarmed child, which is obviously contrary to the law, and the police officer opens fire and causes the injury or death of the child, both the senior officer and the police officer are responsible.

If the police use knives, guns, and other permitted weapons in cases not covered by Article 4 of the AUPW, they shall be punished by their senior officers. If they consequently injure or kill anyone, they shall be punished according to the CLA, and the victim shall be given medical insurance or a pension by the government. If the behaviour is intentional, the government can decide that the police involved will themselves provide compensation (Article 10). If a police officer does not injure or kill anyone, his or her senior officer can reprimand, record a demerit according to *The Regulation of Policemen Praise and Punishment Standard*. This is known as administrative responsibility. According to Ueng's research (1983), there were 160 cases in 1981 and 266 cases in 1982 when police officers used firearms in Taiwan (ROC). 31 cases in 1981 and 66 cases in 1982 involved the improper use of firearms, but did not result in serious injury or death. The police officers involved in these cases had administrative responsibility for the illegal use of weapons and were dealt with accordingly.

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[2] For example, a unit patrol—normally, three or four police officers—patrol together. The senior officer is a sergeant or an inspector; or a unit operation—in serious criminal cases, where more than ten, a hundred or even thousands of police officers are dispatched—where the commander will be a senior officer.

If the police officer does injure and kill someone, and has used weapons illegally, possible criminal responsibilities are homicide and causing bodily harm. Article 271 of the CLA states: 'A person who kills another shall be punished with death, imprisonment for life, or for not less than ten years'. Article 276 of the CLA stipulates: 'A person who negligently kills another shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 2,000 yuan'. 'A person' in the above articles certainly includes the police as well. Article 277 of the CLA says: 'A person who injures the body or health of another shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 1,000 yuan'. And 'if death results from the committal of an offence specified in the preceding paragraph, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years'.

Article 284 of the CLA states: 'A person who negligently causes bodily harm to another shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 1,000 yuan; if serious bodily harm results, he shall be punished with imprisonment for not more than one year, detention or a fine not more than 500 yuan'. Certainly, the police officer is also included in the definition of 'a person' in the above articles. According to Ueng's research (1983), there were nine cases in 1981 and six cases in 1982 regarding the police's unlawful use of firearms which resulted in the serious injury or death of civilians. The police officers involved in these cases were demand to have criminal responsibility for the illegal use of weapons, after the judge decided that they were guilty.

Except for the punishment under the CLA, the injured or the family of the deceased will be offered medical treatment or pension by the government. According to Civil Law and National Compensation Law, the injured or the family of the deceased can ask in court for compensation. However, if the behaviour of the police was intentional, the government can request the police involved to provide compensation. For example, in 1988, one police officer used firearms illegally and this resulted in a civilian death. The judge decided that the police officer was guilty, should take criminal responsibility and should pay 700,000 NT$ to the victim's relative. After the trial, the police administration also decided that the police officer should take administrative responsibility—

for example by recording a demerit with the police administration (Hu 1988: 14; Liang 1988: 2-3).

(ii) Responsibility for the Use of Police Weapons in England and Wales

The responsibility for the use of police weapons in England and Wales is mainly regulated in the Criminal Law Act (CLA) 1967, and the *Manual of Guidance on Police Use of Firearms* (MGPUF). Section 3 of the CLA 1967 regulates the timing of using force: 'A person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders or persons unlawfully at large'. The strict reminder on side 2 of the authorised firearms officers (AFOs)-Authorisation Card states: 'A firearm is to be used only as a last resort. Other methods must have been tried and failed, or must - because of the circumstances—be unlikely to succeed if tried. For example, a firearm may be used when it is apparent that the police cannot achieve their lawful purpose of preventing loss, or further loss, of life by another means. If it is reasonable to do so, an oral warning is to be given before opening fire'. The Authorisation Card also states that the use of firearms by the police is a matter of individual responsibility: 'The responsibility for the use of firearms is an *individual* decision which may have to be justified in legal proceedings. *Remember the law. Remember your training*'. In 1.14 of the *Manual* it states: 'The responsibility for use of a firearm rests with the individual officer and he is answerable to the courts, both criminal and civil'. If the use of weapons is judged to be legal, the police will not receive any punishment.

For example, in 1973 a bank robber, Robert Hart, was shot dead by officers of the Metropolitan Police, and the coroners' juries returned verdicts of justificable homicide. At the inquest on Hart it was shown that a number of criminals were engaged in a robbery at the National Westminster Bank in Kensington High Street. At least two of the robbers were armed, one with a double-barrelled shot-gun and another with a pistol. Shortly after a shot was fired in the bank, PC Sliman, who was armed with a loaded revolver, was informed that raiders were inside the bank and that they were armed. When he ran through the doorway into the bank he saw a man who was a customer with his hands raised above his head shaking violently. The PC drew his revolver and saw a man on his right with a pistol of some sort, pointing it to the public section of the bank. The officer shouted, 'I am armed', PC Sliman also saw another man at the end of the counter who pointed a shot-gun at him and both of

them fired their weapons almost simultaneously. PC Sliman was seriously wounded by shot-gun pellets in the arms and chest and the man at whom he had fired was killed. The force of the impact threw PC Sliman back out of the doorway and shortly afterwards three men came out of the bank, one of whom had what appeared to be a pistol in his right hand holding it across his chest. The PC thought this was a gun pointing in his direction and fired off one shot at the man. The man who was shot outside the bank, John Kellard, was badly wounded in his left leg but eventually recovered and was convicted for the raid. Hart, the man who had been shot in the bank, was eventually found dead in a car park nearby. The case that this was justifiable homicide was argued on two grounds: (a) It was justified by virtue of Section 3 of the Criminal Law Act 1967 and (b) It was justified as being in self-defence (Porteous 1987: 246-255).

A criminal would not be eligible to compensation if a court were satisfied that his injuries were caused by a justified police shot. However, if the use of weapons were illegal, the police would be charged with criminal responsibility, such as homicide or non-fatal offences against the person, and would be liable to civil claims as well. For example, as we have already mentioned in Chapter 7, on 14 January 1983, armed Metropolitan Police officers on an undercover operation mistakenly identified Stephen Waldorf, an innocent person, as an armed and dangerous criminal who was wanted for the attempted murder of a police officer. The actions of the officers was to fire intentionally at Waldorf, severely wounding him before they realised their mistake. This led to a massive public outcry concerning police competence with firearms and caused questions to be asked in the Houses of Parliament the next day. The consequences of the incident were severe. In addition to individual charges of attempted murder against the officers responsible, the ACPO, the Home Office and the Metropolitan Police conducted separate enquiries into the whole question of police firearms training (Ford 1990: 27). Sir Kenneth Newman, the Commissioner of the Metropolitan Police, indicated in his 1983 Annual Report that 'the police shooting of Steven Waldorf illustrated a deplorable failure of 'professionalism, declared policy and training', occasioning great regret and distress' (Reiner 1985: 211).

In August 1985, the West Midlands Police searched a house where they knew an armed and wanted criminal lived. In the process an armed officer mistakenly fired his revolver and killed a five-year-old boy John Shorthouse (Benyon and Solomos 1987: 15). Then, in September the same year, armed Metropolitan officers searched a house for another armed criminal suspect and

in doing so accidently shot his mother, Mrs Cherry Groce, causing her to be permanently paralysed (*Sunday Times* 6 October 1985: 4). On both these occasions it was found that their actions were unintentional. However, the proficiency and accountability of police authorised firearms officers (AFOs) was called into question (Ford 1990: 28). Action in a civil court will involve not only the individual officer but also the chief officer of police. For example, in June 1984 two unarmed post-office raiders in Tottenham, by the name of Carey and Ficken, were shot and injured by officers who believed that they were armed. In this particular case the Commissioner was sued for damages for assault and battery and negligence (Porteous 1987: 246-255). According to P.Waddington:

> At present, as officers are continually reminded during their initial and refresher training, the individual officer is deemed to be responsible for his actions. Thus, it was DCs Finch and Jardine who were tried for the attempted murder of Stephen Waldorf, PC Chester who was tried for the manslaughter of John Shorthouse, and Inspector Lovelock who stood trial for the malicious wounding of Mrs Groce. In each of these cases it was the officer holding the gun who was held accountable (P.Waddington 1991: 60).

A senior officer may order when shots can be fired, but such orders from a senior officer, whether right or wrong, will not exempt the individual officer from his or her responsibility. No general rule can be laid down and much must depend on the circumstances of individual incidents. Examples of circumstances in which it would be proper for a senior officer to give such authority to shoot would be co-ordinated fire by police riflemen in a terrorist/hostage situation, or by baton gunners in an extreme public order situation. After the shooting incidents, the officers involved have to attend coroners' courts, criminal courts and internal discipline enquiries (Ford 1990: 28). With the exception of criminal and civil responsibility, the police receive administrative punishments awarded as a result of disciplinary proceedings. These punishments include dismissal, being required to resign, reduction in rank, reduction in pay, fine, reprimand, and caution.

(iii) Assessment of the Responsibility for the Use of Police Weapons

As mentioned earlier, normally, the British police are unarmed, and most circumstances in which police are equipped with guns involve team operations. A command and control structure has been established to deal with armed operations. As shown in Figure 8.2, this is divided into three levels: Gold (Incident Commander), Silver (Scene Commander), and Bronze (Tactical Team Commander - Bronze 1; Outer Cordon Commander - Bronze 2). The object is to

identify the roles of three specific levels of command and to establish the chain of command from the bottom up—not the top down. 'Gold' is the incident commander in overall charge, responsible for formulating the strategy for the incident and uses the call sign 'Gold' to delegate tactical deployment to 'Silver'. 'Silver' is the forward or ground commander responsible for the coordination of the tactical response to carry out strategy and uses the call sign 'Silver' followed by the name of the locality of the incident (e.g. 'Silver Maidstone') and may operate from a command environment (control room), receiving intelligence to assist in making tactical decisions.

'Bronze' is the sector commander, responsible for deploying all resources and implementing tactics in the sector nominated. The geographical area is divided into sectors, each of which is numbered consecutively. Sector commanders use the call sign 'Bronze' followed by the sector number and name of the locality of the event (e.g. 'Bronze' two Maidstone) sub-sectors. On occasions sectors may be sub-divided. Sub-sector commanders use the call sign 'Bronze' followed by the sector number and the name of the locality of the event (e.g. 'Bronze two one Maidstone')[3].

Incidents are also divided into three levels. Level Three (Armed Response Vehicles) entail deployment to firearms related incidents to contain the situation and employ the appropriate tactics to achieve early resolution if possible while awaiting arrival of Level Two. Level Two (Support Group) involves the provision of armed containment, open country searches, vehicle interception drills, imprecise building searches (low risk), observations and intervention operations, vehicle escort and armed security. Level One (Tactical Firearms Unit) is concerned with armed and besieged criminals, hostage taking/release situations, preordained operations with the Regional Crime Squad and imprecise building searches (high risk)[4]. P.Waddington (1991: 142-143) argues that the principal problem that afflicts the 'Gold, Silver, Bronze' system of command is that of 'arcing'. The intention is that command should follow the military model, with the Gold commander setting the strategy, which is translated into tactical development and objectives by the Silver commander to be implemented by the Bronze commander. Information should flow upwards through the chain of command, from Bronze through Silver to Gold. However,

[3] Source: Kent County Constabulary Model Public Order Command Structure: Form 5.

[4] Data provided by the Kent County Constabulary.

tacticians complain that Gold commanders display a tendency to abandon the chain of command and instruct their Bronze commanders directly. When the situation becomes critical communication is short-circuited, hence the term 'arcing'.

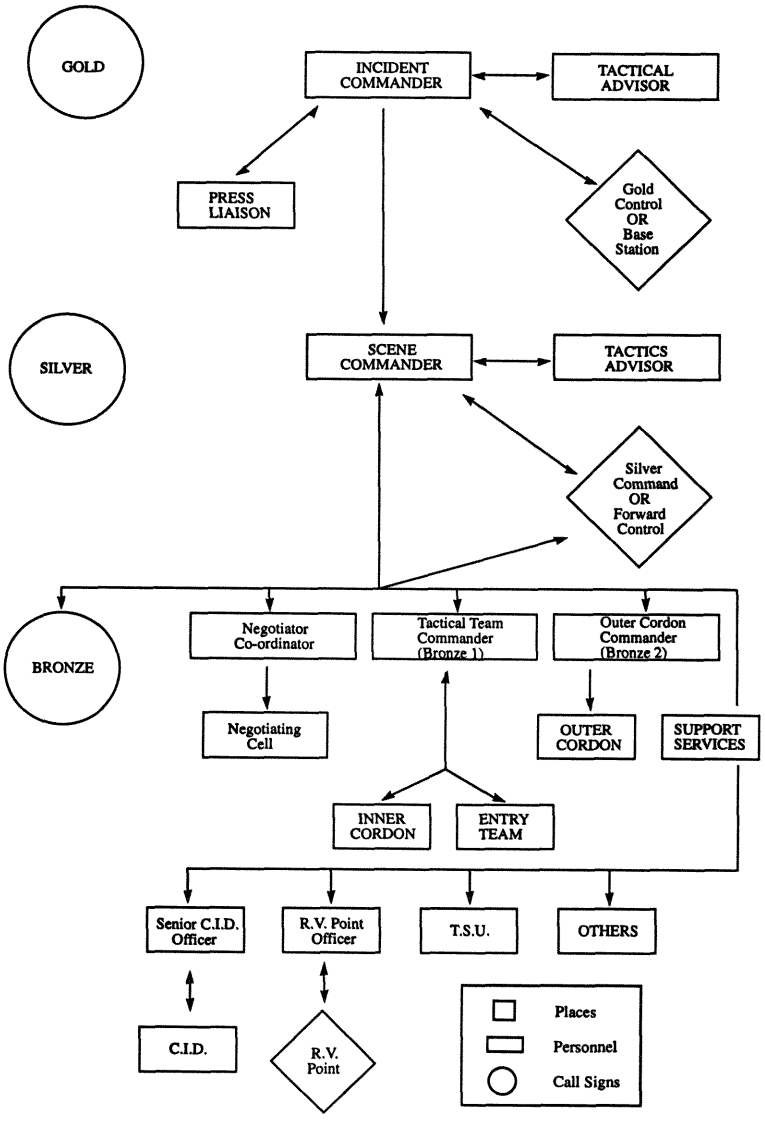
The commander can order when shots may be fired but such orders from a commander, whether right or wrong, will not exempt the individual officer from responsibility. There is no special defence of senior officer orders available to a police officer who actually fires a gun. The officer must rely, like the ordinary citizen, on the general law governing the use of reasonable force in the prevention of crime or in self-defence. That only serves to emphasise the lonely dilemma that faces the armed police officer (Baxter and Koffman 1985: 195). The chief officer of police may be involved only in the action in a civil court. The legal position clearly makes every individual officer take more care when using the firearms, but it seems a little unfair on the individual officer. Of course, officers who use their weapon recklessly must be held responsible for their actions. However, when a senior officer orders a subordinate to enter a situation where he or she might confront an armed suspect and be required to make a split-second decision whether to shoot or not, it seems unjust for the officer to be required to shoulder the responsibility alone if an innocent person is injured or killed in these circumstances. Unfortunately, the response of the authorities to the various incidents which have given rise to public concern has not been to deal effectively with the problem (P.Waddington 1991: 61). P.Waddington (1988: 121) also argues:

> it is only right that when subordinates follow orders, those who issue them should take some responsibility. The exclusive legal liability which now rests upon the officer holding the gun (who will not be the incident commander in the vast majority of cases) is incompatible with the need for coordinated team work. Of course, officers of all ranks must accept legal liability for their individual actions, but so too should those who command them.

This regulation concerning the responsibility for using weaponry in Engalnd and Wales is completely different from that in Taiwan (ROC) where, as already mentioned, if the senior officer orders a police officer to shoot a non-dangerous and unarmed citizen and resulting in death or injury, both the senior officer and the police officer who opens fire are responsible. In the United States, on the other hand, individual officers as well as police departments, are personally liable for their actions (*Police Review* 1 May 1992: 811). According to an editorial in *Police Review*: 'An armed police officer suddenly facing an armed

suspect will naturally have to make an individual decision. But most mainland shootings are carried out after senior officers have had time to assess all possibilities. US SWAT teams operate on the principle that the officer with the gun is under too much stress to make a calm and reasoned decision. Members of such teams must not open fire, even when fired on, without a command from a senior unarmed officer' (*Police Review* 10 January 1992: 52). The guidelines issued in Scotland by the Lord Advocate on the police use of firearms say: 'A senior officer who wrongly advises or orders a subordinate to open fire may also be held responsible for the circumstances if his subordinate in fact opens fire' (*Police Review* 23 May 1992: 947). This position is also quite different from that in England and Wales.

Figure 8.2 Command and Control —The command structure of an armed operation



Source: Manual of Guidance on Police Use of Firearms - 4.41

8.2 Investigation Procedures After Police Shooting Incidents

The rule of law in a society requires adherence to strict legal practice, both in upholding the principle of vigorously prosecuting criminal behaviour, as well as in guaranteeing the right of due process for citizens accused of breaking the law (Shaw 1991:80). The procedures for investigating police shooting incidents are always controversial. When someone has been shot dead by a police officer, it is not just another homicide, and it is absolutely necessary that a thorough investigation is conducted. This type of investigation differs from the standard homicide investigation, although the objective is the same: that the truth be known. However, the public interest is usually higher when the homicide involves a police officer. Questions will be asked that are not asked in a standard homicide investigation. Since civil litigation is a possibility, it is necessary to ask and answer every conceivable question and to address every conceivable issue from a devil's advocate perspective. If there are differences in witness and officer statements, these discrepancies must be identified and explained (*The Police Chief* October 1988: 36).

(i) Post-Shooting Investigations in Taiwan (ROC)

In Taiwan (ROC), on behalf of the State, the procurators in the District Court, High Court and Supreme Court, have the power of prosecution and the execution of penalties in order to protect the rights of people and maintain the legal interests of the nation and society. The procurators have the power to investigate any kind of crimes, including police shooting incidents. The police themselves can only help the procurators to investigate crimes (including the police shooting incidents) and are always supervised by the procurators. After the investigation, the procurators also have the power to decide whether to prosecute the suspect or not. If the suspect is prosecuted, then the case will be transferred to the judges in the District Court, High Court and Supreme Court. The judges have the absolute power to decide whether the suspect is guilty or not. They can investigate the prosecuted cases from the beginning, but the police themselves can only help the judges to investigate the crimes (including police shooting incidents) and should be supervised by the judges as well. Although the procurators or the judges will review the report from the police who are involved in shooting incidents, or ask the opinions of the senior officers, generally speaking the police themselves do not play an important role in the investigation procedure of shooting incidents. The final absolute decision is

taken by the procurators and judges according to their investigation and discretion.

The advantage of this system is that the procurators and judges can depend on the results of their own investigation to decide whether to prosecute the suspect and whether the suspect is guilty or not. Their investigations are totally independent, and their decisions are seem to be fair and objective concerning the injuries or fatalities caused by the police who were involved in the shooting incidents. However, the disadvantage is that the police use of force, especially the use of firearms, always involves specialist and professional judgements. The procurators and judges do not have this kind of specialisation and professional experience, so how can they make their decision correctly? When the police shooting incidents occur, the procurators and judges are not always at the scene, so how can they understand why the police should use firearms in that kind of situation? If the case of a police shooting incident is simple, certainly the procurators and judges can find out the truth easily. Unfortunately, many police shooting incidents are quite complicated and if the police themselves cannot play a more central role in the investigation of the incidents it seems unfair to the police and also difficult to find out the truth.

(ii) Post-Shooting Investigations in England and Wales

In England and Wales, an incident where weapons has been discharged by the police will in all probability be the subject of a voluntary referral to the independent Police Complaints Authority (PCA) under Section 88 of the PACE Act 1984. Under such circumstances it is likely that a senior chief police officer from an outside force will be appointed to investigate. In Part IX of the PACE 1984, there are regulations on police complaints and discipline and Section 83 of that Act regulates the establishment of the PCA. The Authority has two main functions. One is the powers in relation to the consideration of disciplinary charges held by the old Police Complaints Board (PCB). In its disciplinary function its powers are limited to matters concerning officers up to and including the rank of superintendent. Disciplinary matters involving officers above the rank of chief superintendent continue to be the province of the police authority for that area. The Authority's second function is the supervision of investigations relating to the conduct of police officers of whatever rank and related disciplinary charges (Zander 1990: 215).

The chairman of the Authority is appointed by Her Majesty and the members are appointed by the Home Secretary. The Authority has the power to supervise the actual investigation of certain complaints (Dunhill 1989: 340). The members of the Authority, who may be appointed as full-time or part-time members, may not include any person who is or has been a constable in any part of the United Kingdom. All appointees are paid and they serve for a maximum of three years. The new system came into operation in April 1985. The PCA is divided into 'I' and 'D' Divisions dealing respectively with investigations and discipline. Section 87 of the Act rules that any complaint alleging that the conduct complained of resulted in the death of or serious injury to some other person shall be referred to the Authority, and the Authority shall supervise the investigation. The Authority must send a statement to the chief constable, saying whether or not the investigation was conducted to their satisfaction. If he or she considers that the evidence suggests a criminal offence has been committed, the chief constable will send the papers or the investigation reports to the Director of Public Prosecutions, who decides whether or not to institute a prosecution. If he or she institutes a prosecution, the jury will decide whether the suspects are guilty or not.

The advantages of this system are that the police play an important role in the investigation. They are normally from another force and take charge of the investigation of the police shooting incident; they have the necessary experience, background, specialisation and professional understanding to evaluate why the police used weapons and whether they did so correctly. The chief constable, in the first instance, decides whether criminal or disciplinary proceedings should be instituted against officers, and the Director of Public Prosecutions and the jury mainly depend on the results of the papers or the investigation reports offered by the investigating officers to decide whether to institute a prosecution, or whether the involved police should be found guilty or not. Frankly speaking, the police are given more protection under this system. None of the members of the PCA can be former police officers, so they are seen to be fair and independent.

The disadvantage of the system is that the PACE 1984 was supposed to reform the system for investigating complaints against the police. The existing system had been widely criticized for various reasons, in particular because investigations were carried out by the police themselves. This had long given rise to demand for an independent system. It was felt that the old PCB merely rubber-stamped decisions made by chief constables. The Authority has the

power to supervise the actual investigation of certain complaints. However, in practice, relatively few investigations are supervised by the PCA and the most problematic features of the old system remain unchanged. The police still carry out the investigative work and it is still for the chief constable, in the first instance, to decide whether criminal or disciplinary proceedings should be instituted against officers.

In Britain, the use of firearms by police is still so exceptional that all cases will inevitably attract close scrutiny. In each of the most controversial recent shootings, where innocent people were the victims, the officers concerned were tried for serious criminal offences. The fact that no convictions were forthcoming meant that, in each case, after close public scrutiny before an independent jury, the officers were acquitted of criminal conduct. However, because police officers carried out all the investigations, there was continued doubt amongst members of the public. It is difficult to build public confidence and support for this kind of system. In order to solve this problem, one solution might be to establish a special unit in the PCA. The main job of this unit would be to investigate police shooting incidents. According to statistics, the number of operations in which shots were fired between 1983 and 1989 was at most of 10 cases per year, as shown in Table 8.2.

Table 8.2: Number of operations in which shots were fired in England and Wales 1983-1989

End Year	Number
1983	3
1984	6
1985	7
1986	1
1987	7
1988	2
1989	4

Source: Home Office 1991: Annex B; Lofthouse 1991: 78.

Although police shooting incidents need to be investigated in detail, the number would not be a heavy burden for the special unit. It would be important that at least one former police officer who is familiar with the details of the police firearms policy should be a member of the special unit. During the investigation, he or she could make use of their police specialisation and professional expertise. After the investigation, the special unit would submit a report and recommend whether or not to institute a prosecution. The Director of

Public Prosecutions and the jury would decide whether or not the police officer was guilty. To set up a special unit in the PCA to deal with police shooting incidents would be a better system and our recommendation is that the police in Taiwan (ROC) should also move in this direction.

8.3 Compensation Arrangements After Shooting Incidents

On their own, guns neither terrorise nor kill people. *People* terrorize and kill each other, and countless other instruments may be used for this purpose. Clearly, an incident involving the use of weapons, especially firearms, can result in the death or injury of the criminals, bystanders, and even the police officers themselves. In the United States, on average police officers kill about 300 suspects and injure another 300 every year. One hundred officers are killed on average each year (Stratton 1986: 160).

There are various possible consequences of shooting incidents (Stratton 1986: 168). There may be lifelong psychological trauma for the police officer, severe administrative sanctions, suspension, dismissal or severe legal consequences (criminal and civil action in court). For the officer's family and friends there is likely to be mental strain from anticipating the decision of the court, trauma incurred by waiting for legal and administrative rulings, threats of physical retribution and other consequences. The police agency may suffer vicarious liability damage suits, damaged reputation, and even civil disorders. In Brixton, the shooting of Mrs Groce by a police officer led to serious civil disorder including arson, looting and robbing. The victim may suffer loss of life, crippling injury, and grave financial loss, and the victim's family may experience the loss of a loved one, the loss of the family provider and various other consequences. It is thus clearly important that adequate compensation is available for people injured or for dependants of those killed in police shooting incidents.

(i) Compensation Arrangements in Taiwan (ROC)

In Taiwan (ROC), Article 10 (3a) and (3b) of the Act on the Use of Police Weaponry (AUPW) 1985 states that 'If there is anyone injured or killed when the police use weapons according to the Act, the medical and funeral charges should be paid by the government' and 'The standard of the above medical, funeral charges and pension will be set by the government and approved by the Ministry

of the Interior'. If police personnel use police weapons legally according to the Act to cause injury or death, the treatment and funeral expenses of the injured or deceased will be paid up to a maximum of 90,000 NT dollars (about £2,500). If the police use of weapons was unlawful, the injured will receive medical expenses and pension, the family of the deceased will receive a pension of one million NT dollars and handicapped people will also receive a pension.

The police themselves are the only peace-time occupational group with a systematic record of death and injury from gunfire and other weaponry. Part of the job of being a police officer is getting involved in dangerous, life-threating situations (Wenz 1979: 230-235). The death or injury of an officer when on duty, especially when he is killed or injured by gangsters, is not only a great loss for the police officer's family and police department, but also a great loss for society as a whole. If a police officer is killed or injured while on duty in Taiwan (ROC), the NPA has stipulated a series of regulations to deal with these kind of cases. If a police officer is killed, the policeman's family would have received about 13,500,000 NT dollars (about £300,000) at 1991 figures. This sum of money increases year by year and includes public servant pension law funds, special funds sponsored by the central government, police safety funds sponsored by friends of the ROC police club, public servant help one another funds, insurance company compensation, policeman's contribution, civilian contribution, funeral expense; etc (*Police Torch* December 1990: 31-33). The Friends of the Republic of China's Police Club was established in 1982 and its purpose is to help the police prevent crime, broaden the awareness of social security, promote co-operation between police and the public and maintain social order. The work of the Club is illustrated by the case of Hung Shiao[5], who died on duty when he tried to arrest a suspect Lin Po Wen. The Club sponsored an increase in contributions to the police safety fund and within one year, it had collected NT$140,000,000 (about £3 million). The Club also tries to support the widow of the police officer who has been killed by finding work, housing and helping in other ways. If a police officer is injured on duty, he or she will receive compensation.

(ii) Compensation Arrangements in England and Wales

If police officers are killed or injured when on duty in England and Wales, there are regulations to govern compensation which are quite similar to

[5] He was a chief of a police squad for handling crimes in Taichung County Police Bureau.

those of Taiwan (ROC). For example, if police officers are killed when on duty, their families will receive a pension based on the police officers' salary. Their families are also entitled to the lump sum which is paid to all officers killed on duty. This is five times the annual salary of the policeman. In addition, his or her family is entitled to approach the Police Dependant's Trust if there were any special needs. The family can also apply to the Criminal Injuries Compensation Board (CICB) for compensation for the loss of the police officer and loss of earnings. The police force will also hold a special funeral and will set up a trust fund for the officer's family, receiving contributions or donations from civilians and the police. In the USA, every year in May, the Memorial Fund stages a Police Remembrance Day in Washington. In Britain the Police Memorial Fund has received approval for a national memorial to be placed in Horse Guards in London to commemorate British police officers who have died through criminal acts. According to the questionnaire survey carried out by this research, nine (56.25%) of the respondents thought that there is a comprehensive welfare system in England and Wales to support officer's family if a police officer is murdered by criminals (see Chapter 6.1 (q)).

8.4 Dealing with Psychological Stress After Shooting Incidents

The shooting and killing or wounding of another human being is likely to be a traumatic event for a police officer, especially if he or she entered the profession in order to help people (Stratton 1986: 159). According to Pierson (1989: 32): 'The most obvious type of event that causes critical incident stress reactions occurs when an officer is forced to employ deadly force. No matter how justified they are found to be, most officers manifest a degree of guilt or anger after a fatal confrontation'. For many years mental health professionals have recognised the emotional and psychological impact that can result in the aftermath of life-threating, catastrophic events. Over the last decades, however, this phenomenon has been brought to wider public attention by the significant number of Vietnam War veterans who have suffered adverse and sometimes severe emotional reactions to their wartime experience—in many cases, years after they have returned from combat (IACP/BJA National Law Enforcement Policy Centre 1990a: 1). Even though police officers are trained to recognise and deal with a variety of traumatic and violent circumstances, they can also fall victim to such stress disorders. Officers involved in shooting incidents—wherein an officer shoots someone else and/or is shot, or witnesses the shooting or killing of another officer or individual—form the classic scenario for the

development of traumatic stress reaction. Not all officers involved in a shooting incident, or other similar deadly force confrontation, experience an overwhelming reaction. However, some of those who suffer from the more serious reactions, and particularly those who do not receive proper assistance for their problem, leave law enforcement in the aftermath, and many suffer from long-term consequences.

Police officers who become victims of deadly force are not usually prepared to deal with its consequences. Some observers believe that the victimized police officer may suffer more general overall trauma than does the citizen victim. Police officers are trained to see themselves as physically and emotionally stronger than mere citizens, and believe that they are the last line of defence against chaos. Police are supposed to have tight emotional control and to be able to suppress their emotions because they are the trained protectors of the community. When personally victimized the officer's prior illusions of invulnerability, autonomy and control are shattered. Police are no different from civilians in terms of their basic emotional needs (Stratton 1986: 159-174; Yarmey 1989: 99-108). Therefore, the literature on post-shooting reactions indicates that officers involved in critical incidents can expect certain things to happen to them that extend beyond the departmental investigation of the shooting. Typical components of the reaction can include (*Police* July 1985:20; Stratton 1986: 163-164; Ainsworth and Pease 1987: 143-162; IACP/BJA National Law Enforcement Policy Centre 1990a: 4)): time distortions when the incident occurs; a period of initial shock accompanied by emotional numbness; denial of stress; a variety of emotional reactions including guilt, anxiety, anger, elation, depression and confusion; sleep disturbances that can include vivid dreams and nightmares; flashbacks; feelings of isolation; fear of retribution; loss of interest; a heightened sense of danger/vulnerability; fear and anxiety; sexual difficulties; family problems; and stress reactions.

According to the International Association of Chiefs of Police (IAPC) research, seventy per cent of US officers involved in a shooting leave the job within seven years, and experts studying the effects of shooting on police say other common repercussions are alcoholism, drug abuse, divorce and suicide. Between 1978 and 1979, a Chicago study showed that 20 officers took their own lives, as did 12 in New York in 1990. According to Mr Ed Donovan: 'without proper counselling, officers can become dangerous to their partners, to innocent bystanders and to themselves, because of a tendency to over-react in subsequent confrontations. They can also become 'gun shy', failing to use their weapons

when needed and endangering themselves and others (*Police Review* 10 July 1992: 1261). The IACP and the U.S. Department of Justice's Bureau of Justice Assistance's (BJA) 'National Enforcement Policy Centre of the United States' published a paper about 'Post-Shooting Incident Procedures' on 1 August 1990. This paper provides essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. Many of the larger police departments in the United States now employ police psychologists who provide pre-employment screening, develop counselling units to aid law enforcement officers in dealing with their problems, and implement training programmes to prepare officers to cope with job related stress. Short-term counselling is provided to meet the emotional needs of the officers and their families.

In England and Wales, Chapter 14 of the *Manual of Guidance on Police Use of Firearms* (MGPUF) lists 'Post Incident Procedures' (see Appendix E). It states that: 'Firearms operations are by their very nature highly emotive and stressful for all the officers involved. Consequently, as much attention should be paid to the post incident procedures as to the earlier planning stages'. The welfare of officers involved in firearms operations is an important part of the post incident procedures. The *Manual* also considers how to offer immediate support, including psychological support and examination by a medical practitioner, how to deal with the press, including protecting the officers and their families from unwanted publicity, to minimise the possibility of uniformed rumour, to protect the identity of those involved and to control information about the incident, the need to offer social and welfare support and how to help the involved officers' family, including offering the opportunity to discuss the situation with the force's selected health consultant and welfare consultant, and how to ensure the security of an officer's home. The *Manual* also discusses the need to offer officers the opportunity to consult psychiatrists and the desirability of leave in certain circumstances.

In 1991, In Taiwan (ROC) a number of police officers committed suicide and the National Police Administration established a consultancy department, staffed by psychologists, to try to deal with this problem. However, this service mainly concentrates on stress related to the overall police job, including marital problems. The police administration pays little attention to post-shooting incident procedures, other than the questions of compensation outlined earlier. There is little if any support for post-incident trauma and this

position needs to be improved. The NPA in Taiwan (ROC) could usefully adopt many of the procedures evident in the United Kingdom and the United States.

8.5 Summary

Although the police are empowered to use firearms when necessary. The enforcement of the regulations or rules controlling the use of police weaponry is necessary. This is due both to the powerful influence of the firearms and in order to prevent police officers from abusing them. If the police use firearms illegally, they are responsible for their illegal acts and the responsibilities may include criminal, civil and administrative action. Both Taiwan (ROC) and England and Wales have the same regulations. However, in England and Wales, the responsibility for use of a firearm rests with the individual officer and he is answerable to both criminal and civil courts. The senior officer may only answer to civil court even when his order to fire is wrong. But in Taiwan (ROC), the senior officer may answer to criminal court if his order to fire is wrong.

After shooting incidents, if somebody is killed or injured, it is important to secure both the rights of police officers and civilians and to investigate and find out the truth. The investigation procedures in both Taiwan (ROC) and England and Wales are criticised. The author suggests that the introduction of a special unit in the PCA to deal with police shooting incidents would be a better system for the police in England and Wales. The author also suggests that such a development should also take place in the Taiwanese (ROC) police force.

As we already mentioned in Chapter 1, if a shooting incident, involving police officers leads to the injury or death of civilians and is not adequately dealt with, it is possible for it to turn into a more serious situation and result in a more serious incident. Therefore a compensation arrangement is necessary. On the other hand, if the victims are the police officers, the pension arrangement is also necessary. Both Taiwan (ROC) and England and Wales have very similar regulations. Furthermore, after the shooting incidents, the police officer involved obviously suffers psychological pressure. When dealing with post-shooting incidents, the police in England and Wales have already enacted their own post-shooting procedures. The police in Taiwan (ROC) may use this as an example to enact their own post-shooting procedures as soon as possible.

CONCLUSIONS

1 The Findings of the Research

A principal difference between policing in England and Wales and Taiwan (ROC) is that carrying of firearms by officers is still a rarity in Britain whereas all officers routinely carry guns in Taiwan (ROC). As discussed in Chapter 6, there are various advantages and disadvantages for having an armed or unarmed police. Armed police tend to have more power and increased levels of confidence, and they have the ability to respond immediately to firearms incidents. They can also support each other when necessary and at exceptional times can support the military. On the other hand, armed police suffer higher levels of psychological stress and pressure and there is undoubtedly a larger gulf between the police and the public than there is when the police do not generally have guns, as in England and Wales. There is also a problem of managing and controlling police firearms which may be lost or stolen by criminals. If the police are all armed this necessitates extensive training which places pressure on precious resources. Inevitably, when police officers are all armed, there is an increased risk of accidents.

In order to overcome some of the disadvantages which armed police officers experience, Taiwan (ROC) has instituted a number of changes in recent years. For example, when police officers undertake duties such as census taking (visiting residents) and traffic control, they no longer carry firearms. This was a big change for policing in Taiwan (ROC) and it means that today there are some police officers who do not carry firearms when on duty. When the 'modern' police was set up in London in 1829, it was decided they should not generally be armed but, as discussed in Chapter 6, there have been several periods during the last century and a half when the police in England and Wales have in fact been armed. The Mounted Police in London were armed with a pistol, a cutlass and a truncheon between 1805 and 1866 and some police officers in London and elsewhere (for example, Essex) were authorised to carry firearms on night duty between 1884 and 1936. Several police forces (for example, Bristol; Leeds and Essex) started to form prototype armed police units in 1967, after the shooting of three unarmed officers in London, and because of the growth of armed crime and terrorism, some police officers permanently armed from the 1980s, such as those engaged in diplomatic, royalty, and ministerial protection and those involved in policing Heathrow and other major international airports. Of the

forces who replied to the questionnaire used in this research, nearly every force had armed police officers deployed on operational duties at all times. Their duties include mobile armed patrols (ARV), foot patrols at international airports, the stand by reserve, and VIP protection. Since 1979, several forces have adopted ARVs to provide a 24-hour rapid response to firearms incidents and the number of such forces had increased to 24 by 1991, representing over half of the forces in England and Wales. In order to counter the threat of IRA terrorist activity over the 1992 Christmas period, the Metropolitan Police, City of London Police, Greater Manchester Police and West Yorkshire police set up armed roadblocks (*Police Review* 11 and 18 December 1992: 2278 and 2326). The operations involved small teams of firearms-trained officers who set up roadside checkpoints throughout the force area during both day and night. In London, the checks were carried out by local uniformed officers assisted by colleagues from the Metropolitan Police Firearms Training Department SO19, who are openly armed with Steyer carbines. Handlers also attended with dogs trained to sniff out explosives. These developments reveal that the traditionally unarmed police in England and Wales are gradually moving in the direction of becoming at least a partially armed police service on a permanent basis.

The police administration and government in both Taiwan (ROC) and England and Wales pay considerable attention to the subject of the use of police force and weaponry. They regulate the use of police weaponry increasingly closely. In Taiwan (ROC), the principal laws regarding the use of police weaponry are article 90 of 'The Code of Criminal Procedure' of 1982 and 'The Act on the Use of Police Weaponry' of 1985. In England and Wales, the laws or regulations regarding the use of police weaponry are Section 3(1) of 'The Criminal Law Act' of 1967, Section 54 of 'The Firearms Act' of 1968, The *Manual of Guidance on Police Use of Firearms* of 1983 and Section 117 of 'The Police and Criminal Evidence Act' of 1984. The main difference between the laws or regulations in the two countries are firstly, the Act on the Use of Police Weaponry of 1985 of Taiwan (ROC) clearly specifies in which situations police weaponry can be used, and also what kind of police weaponry can be used. But 'The Criminal Law Act' of 1967 and the *Manual of Guidance on Police Use of Firearms* of 1983 of England and Wales only regulate some of the key principles regarding the use of police weaponry: they do not mention item by item in which situation the police weaponry can be used and what kind of police weaponry can be used in each situation. Secondly, both the Code of Criminal Procedure of 1982 and the Act on the Use of Police Weaponry of 1985 are laws that have been passed by the Parliament of Taiwan (ROC). But the *Manual of Guidance on*

Police Use of Firearms of 1983, which is the most important document which regulates the use of police weaponry in England and Wales, was decided by the Association of Chief Police Officers and agreed by the Home Secretary—it is only an order, not a law.

In Taiwan (ROC), according to Section 9(6) of the Police Law 1986 and Section 1(1) of the Act on the Use of Police Weaponry of 1985, the use of police weapons is one of the police powers, and all police officers have this power. In England and Wales, according to Section 54 of the Firearms Act 1968, a member of the police service may purchase or acquire firearms and ammunition from the public service and may possess them in his capacity as such without holding a certificate. However, according to the *Manual of Guidance on Police Use of Firearms* 1983, the persons who have the authority to use police firearms are only the authorised and trained police officers (AFOs) and so this authority is not in fact given to more than a small proportion of officers.

In Taiwan (ROC), the types and specifications of police weapons are decided by the Executive Yuan (central government) and the weapons and ammunition of the central and local police forces are procured and distributed by the central government as well. Consequently, the police weapons used in each force are all the same. When the Executive Yuan decide the types and specifications of police weapons, they carefully consider whether the weapons are good enough for police officers to ensure the people's rights, protect their own safety, and perform their duties. As mentioned earlier, a Chinese saying states: 'It's better to get ready for nothing than to be caught unprepared'. The Executive Yuan of Taiwan (ROC) has tried to cover every kind of weapons from non-deadly weapons to deadly weapons. In England and Wales, the types and specifications of police weapons are considered by the ACPO and approved by the Home Secretary, but each force purchases its own weapons and so there is variation between different police forces.

As noted in Chapter 7, both Taiwan (ROC) and England and Wales have similar regulations governing the conditions and procedures relating to the use of firearms. These include stipulations about the circumstances in which certain firearms may be used, regulations that the use of firearms by police officers should be a last resort, emphasis that the police officers should consider the necessity and legitimacy of the use of police firearms and stress that the police officers should obey the principle of the 'use of minimum force' and the force used by the police officers should not be excessive. Other regulations stress

that the police officers must be careful not to hurt others that the police officers should give a warning first and that a written report should be completed after the use of firearms. The main differences between these two countries are, firstly, that 'warning shots' are permitted in the police forces of Taiwan (ROC) but not in England and Wales. A second difference is that in practical operations almost all the cases involving police use of firearms in England and Wales are 'team operations', so before they arrive at the scene of firearms incidents they can refer to the *aide memoire*, receive a briefing, and take steps to ensure that medical assistance is available and monitor consumption of alcohol or use of drugs in medical treatment by the police officers. On the other hand, the police officers in Taiwan (ROC) always carry firearms when on duty and so they often need to deal with firearms incidents on a split-second basis in the street by themselves. Only a few serious firearms incidents are dealt with by 'team operations'. With the exception of the 'team operation', they cannot refer to the *aide memoire*, undertake briefings, and carry out other preliminary procedures as undertaken in England and Wales.

As discussed in Chapter 7, police firearms training in Taiwan (ROC) is a combination of generalised and specialised training. All the police officers in Taiwan (ROC) receive military training, police firearms training, and self-defence skills training during the probationary years. After the probationary period, they receive in-service training. This is a generalised firearms training, and this policy ensures that all the police officers gain sufficient knowledge and skills about firearms, have the ability to protect themselves and the public, and are able to deal with firearms incidents by themselves any time. In addition, they can support the military or join the war effort at any time when there is such an emergency. However, this policy also encounters several difficulties such as, firstly, firearms training and self-defence training in in-service training are rather stretched due to the large number of police officers and secondly, it is impossible to be certain that all police officers reach the required firearms training standards in the practical operation. Thirdly, the older policemen/policewomen can easily injure themselves when they practise self-defence skills in in-service training. In order to overcome the disadvantages of this generalised firearms training, since the beginning of the 1980s some of the police officers in each force have been selected to receive the special response teams' training. This kind of firearms training is highly specialised and similar to the SWAT training in the United States.

In England and Wales, as nearly all the police are unarmed when on duty, the firearms training policy is specialised. The basic principle of police firearms training is 'fewer, better trained' or 'less officers trained to a higher standard'. New police recruits do not receive any firearms training during the two-year probationary period. If any police officer wishes to become an authorised firearms officer (AFO), he or she must be a volunteer, his or her qualifications must meet the force needs, and the application must be examined and approved by senior officers before the volunteer starts to receive firearms training. After the firearms training is satisfactorily completed and tested, the officer is issued with an authorisation card and is entitled to carry and use firearms if circumstances so require. There were 7,194 authorised firearms officers in England and Wales in 1988: only 5.8% of the total police strength. According to the latter part of this research carried out at the end of 1992, the ratios of AFOs to police officers in several forces are over 8%, for example, Cambridgeshire, Derbyshire, the Metropolitan Police, and Sussex, but several forces have no more than 3% of officers who are qualified as AFOs, for example, Greater Manchester, Hertfordshire, West Midlands and West Yorkshire. The average rate is 6.10% (see Chapter 6.1 (b)). This specialised and professionalised firearms training policy has several advantages. First, the AFOs are volunteers, secondly, the AFOs are divided into several kinds of specialist firearms officers, and each type receives different training, and thirdly, the number of AFOs is limited, making firearms training easy to arrange and training expenses less, and also making it easier for the AFOs to know each other and to work together. However, due to several 'mistaken shootings' by the police in the 1980s, the number of AFOs declined sharply. While there is a policy to reduce the number of AFOs, an important factor is that most police officers do not wish to be involved with firearms. How to attract adequate numbers of volunteers to apply to become the AFOs has recently become something of a problem in a number of forces in England and Wales.

In order to protect people's rights and prevent the police from abusing the power of force and the use of weapons, both Taiwan (ROC) and England and Wales have enacted laws and formulated rules to regulate the police use of weapons. The punitive implications for police officers who use weapons illegally in both countries are administrative, criminal and civil penalties. However, in Taiwan (ROC), a senior officer who wrongly orders or advises his subordinate to open fire may also be held responsible for the circumstances if his subordinate in fact opens fire and this results in injury or death. But in England and Wales, the responsibility for the use of firearms is an individual

decision and the responsibility for the use of a firearms rests with the individual officer. It does not lie with a commander who orders him to open fire, and the individual officer who opens fire is answerable to both the criminal and civil courts. The chief officer of police may be involved only in civil court action not in a criminal court. This is a significant difference between the two countries.

As discussed in Chapter 8, in Taiwan (ROC) the procurators have the power to investigate and decide whether to prosecute the suspect in police shooting incidents. The judges have the absolute power to decide whether the suspect is guilty. The police can help procurators and judges to investigate the police shooting incidents but do not play an important role in the investigation procedure. In England and Wales, if a police shooting incident occurs, a criminal investigation is conducted by a major crime team and they will deal with any criminal offences that may have been committed. In a case where a police officer shoots a criminal or third party, an independent enquiry is conducted by another force and is overseen by the independent PCA under Section 88 of the PACE 1984. After the investigation, if the chief constable considers that the evidence suggests a criminal offence has been committed, he or she may send the papers or the investigation reports to the Director of Public Prosecutions, who decides whether to institute a prosecution. If a prosecution is instituted, the jury will decide whether the suspects are guilty or not. Under this system, the police play a very important role in the investigation relating to the police shooting incidents.

After police shooting incidents, if death or injury to the public or police officers occurs, both countries have enacted laws or regulations relating to compensation or pensions for the victims. But if death or injury is suffered by a member of the public, compensation or pensions in Taiwan (ROC) are on occasions paid not only for the illegal use of police weapons, but also for the legal use of police weapons. This is a special humanitarianism in Chinese thought. On the other hand, in England and Wales, a criminal would not be eligible to compensation if a court is satisfied that his or her injuries were caused by a justified police shot.

In addition, the police in England and Wales have formulated the 'post incident procedures' guidelines. This contains 40 articles, dealing with matters such as investigations, the immediate supervisor/federation representative, the press, social support systems/welfare systems, the officer's family,

psychiatrists/clinical psychologists, special leave/suspension from duty, firearms authorisation and training. These guidelines offer very complete and detailed regulations for the police to deal with post-shooting procedures. The police in Taiwan (ROC) do not yet have these kind of post-incident procedures.

2 Limitations of the Research

The author has been engaged on this research for over three years. However, much of the early period was devoted to familiarisation with the legal, criminal justice and policing system in England and Wales. Subsequently, the author was able to undertake an extensive literature review on the subject of police weaponry, and devoted himself to gathering data on the position in England and Wales. This involved a large number of visits to police forces, interviews with relevant respondents, observation of police training, briefings and other activities and the preparation and implementation of a postal questionnaire.

Despite the extensive data which have been collected and analysed, there are inevitably a number of limitations from which the research has suffered. The first is time and resources: if more time had been available, and more funds had been forthcoming for travel, it would have been possible to build up a more detailed picture of the use of weapons in all the forces of England and Wales. However, the author believes that a sufficiently large number of visits, interviews, observations and questionnaire responses have been analysed to provide a good insight into all aspects of the police use of weapons in England and Wales.

A second limitation on the research has concerned the nature of the subject itself. The use of weapons, and particularly the use of firearms, is a sensitive topic amongst the police in England and Wales. This is because it is a politically sensitive topic and one about which there is considerable public and media interest and comment. It is, perhaps, surprising and refreshing that so many police respondents were prepared to talk openly and frankly to the researcher and to allow him to visit and observe police training and other activities. However, several important documents are classified as confidential and difficult to obtain. For example, the *Manual of Guidance on Police Use of Firearms* (MGPUF), which is the most important document regulating the use of firearms by the British police, is confidential and not available to the public.

The author was fortunate to gain access to the Manual (see Appendix B), which has proved most important to the research. Some other documents, in particular forces, remain at present unavailable.

A third problem, which follows from the last point, is that many officers were reluctant to fill in the research questionnaire because of the sensitive nature of some of the questions. Despite sending out about 750 copies of questionnaires, replies were received from only 16 forces, although this represents a reasonable proportion of the total of 43 forces. The replies did, however, include some very useful data and opinions, and the questionnaire itself resulted in a number of invitations to visit individual forces to gather further information.

A fourth factor, which the author mentioned in Chapter 1, concerns the general lack of knowledge in Taiwan (ROC) of politics, society and policing in the United Kingdom. Clearly, particularly police policy issues, such as the use of weapons, cannot be separated from more general policing questions and these in turn cannot be isolated from matters concerning crimes, criminal justice and even wider social, political, cultural and economic factors. In order to understand fully issues around the use of police weapons, one needs to appreciate the wider political, social and economic context and also the history, traditions and culture of the country. During the last four decades there has been little communication between the police of Taiwan (ROC) and England and Wales and so the author began his studies in the UK needing to apprise himself of basic information about all aspects of the context within which policing in this country takes place. He believes he has achieved a good understanding of the history and development of policing and of the political, social and economic context in which it takes place. Inevitably, though the author may have missed a dimension of the policing context which in some way crucially affects the use of police weapons. This is a further possible limitation of the study.

3 Further Analysis and Recommendations

The principal aims of this research have been to examine the use of police firearms in England and Wales and Taiwan (ROC), to identify and where possible explain the similarities and differences and to suggest ways in which the police of each country might learn from the other's experience. The author has found indeed it would seem that the second hypothesis may be proven. This

is because police practices and policies regarding use of firearms are moving closer together. With the limitations of the research outlined in Section 2 borne in mind, it is now possible to offer some suggestions of a tentative nature about how the use of police firearms in each country might be modified in light of the information gathered as part of the study.

First, it is clear that there are both advantages and disadvantages for police officers who are permanently armed. These are summarised in Section 1 and discussed in more detail in Chapters 1 and 6. As the social, economic and political circumstances in which policing takes place are continually developing, so the policies and methods of policing require regular evaluation. The arguments for and against armed police officers need to be continually reappraised, to ensure that the best balance between the advantages and disadvantages is achieved. This is a political decision, although the professional, specialised knowledge of the police and others should be used to guide the decision. Ultimately, whether to arm the police more extensively in England and Wales must remain a matter of political judgement.

In general, the policy about the extent to which the police are armed should remain flexible and adaptable to changing circumstances. In Taiwan (ROC) most police officers are armed on duty but as far as possible the police should try to overcome the disadvantages which may flow from this. In England and Wales most police officers are unarmed, but there are considerable pressures on the police to become more armed to deal with rising numbers of crimes of violence, the increased use of guns by criminals, and rising levels of terrorist activity. The central question is do the police have sufficient resources and capabilities to perform their duties, and protect the public and themselves while preserving the highest levels of legitimacy and support that can be attained amongst the public? It is difficult to 'de-arm' the police, but in Taiwan (ROC) attempts are being made to reduce the occasions on which officers carry lethal weapons. It is possible to hypothesise a 'convergence theory' between England and Wales and Taiwan (ROC), whereby the former experiences an increase in the arming of the police whereas in Taiwan (ROC) there is a reduction. However, the police in England and Wales would appear to be well-advised to take every opportunity to limit the trend and to continue to pursue the policy of 'less firearms officer's trained to a higher standard'.

Secondly, the police in England and Wales could perhaps learn from the position in Taiwan (ROC) by adopting a more open and transparent approach to

the regulation of the police use of weapons, especially firearms. There is genuine and understandable interest amongst the public on this subject and yet most of the documents which set out the regulations and guidance for the use of firearms by the police are secret and confidential and have not been subject to public scrutiny and debate in Parliament and the media. The *Manual of Guidance on Police Use of Firearms*, for example, is not publicly available and yet it is the basis for police policy in this field. It would seem better to have this information publicly debated in Parliament, and perhaps passed by the legislature and given legal status, as this would increase the legitimacy of the policy and increase public support and trust.

Thirdly, it is clearly important for police officers to use the minimum necessary force in any given situation. This is ethically and professionally correct and again increases public support and police legitimacy. There is a 'continuum of force' along which there are various different coercive options available to the police. Force can be divided into deadly or lethal force and non-lethal force, which may range from verbal persuasion or threats through hand-control techniques, including pain/pressure compliance holds, to the physical use of truncheons, baton rounds, stun guns and similar equipment. In most police forces, most duties require only the use of non-deadly force and a primary goal should be to limit the number of occasions when lethal force is employed.

In England and Wales, the only non-deadly weapon in regular use is the truncheon. The British police generally receive very little training in self-defence skills, such as Judo, Taikwondo, or hand-to-hand combat skills. The results of this research study indicate that the police service in England and Wales could profit from examining the desirability of strengthening officers' training in self-defence skills and from evaluating the introduction of different types of non-lethal weapons and protective equipment. During interviews and conversations, and in the questionnaires, several suggestions were made by British police officers. The survey showed considerable support for the introduction of better training in self-defence techniques and skills in dealing with conflict situations. Nine of the sixteen forces which responded to the questionnaire expressed support for long batons, side-handled batons or other different sorts of truncheons, which they considered would be more effective in certain violent incidents. Other respondents and interviewees suggested the introduction of stunguns, quick-cuffs, lightweight stab-resistant vests and anti-stab/slash gloves. The investment in such equipment may be expensive but is

likely to help the police perform their duties more effectively without resorting to more lethal types of weapons.

Fourthly, there is the question of the use of warning shots by the police. In Taiwan (ROC), the police are permitted to use warning shots but they are not allowed to do so in England and Wales. There are, of course, arguments both in favour and against warning shots. They can be used to avert a clash between gangs or to stop criminal behaviour, they can be used by an officer to call for assistance and they may successfully bring to a halt potentially life-threatening incidents. Against these arguments are the disadvantages that warning shots may endanger innocent bystanders, residents in high-rise buildings, suspects or the police themselves, they may create misunderstandings between police officers and they may unnerve an armed criminal and actually escalate the hostile confrontation. Again there seems to be much to be said for a varied and clearly defined policy whereby the firing of warning shots in a crowded urban environment is prohibited but in rural areas, where the potential harm to other people is minimal, warning shots might serve a useful purpose and so should be allowed. Both in Taiwan (ROC) and England and Wales the present policy could usefully be modified to recognise the need for different rules in different localities.

The fifth suggestion concerns the use of armed response vehicles (ARVs) by the police in England and Wales. These are in use in many different forces but at present there appears to be insufficient ARVs in operation. For example, in Leicestershire there is only one ARV on patrol at any one time and there are only five ARVs to cover the whole of London. The research by Ford (1990) showed that 58% of respondents believed there are not enough authorised firearms officers available to meet operational needs in Leicestershire Constabulary and a similar case can be made for the availability of armed response vehicles. If there is a good case to have such a capability at all, surely there should be sufficient ARVs to cover foreseeable emergencies. A number of officers who have been interviewed or answered the questionnaire for this study have agreed that there should be more ARVs. For example, a respondent from Derbyshire Police stated: 'We only have two for a county 32 miles wide and 56 miles long, which really defects the object of an immediate response capability'.

Sixthly, there seem to be good reasons to offer incentives for police officers to volunteer for training as an authorised firearms officer (AFO) in England and Wales. It is obviously desirable to attract the best candidates to

serve as AFOs but at present this is proving difficult, for the reasons outlined in Chapter 6, 7 and 8. The criticism of those involved in the accidental shooting in the 1980s, coupled with the fact that police officers are themselves individually responsible for such accidents, led to a sharp decline in the number of officers who were volunteering to become AFOs. A number of incentives could be considered, such as enhancement of promotion prospects, financial rewards, additional time for training and extra leave, which would be likely to increase the number of good-quality volunteers.

A seventh suggestion is concerned with post-shooting incident procedures. In Taiwan (ROC), these procedures are basically confined to the provision of compensation and pensions for police officers or members of the public injured or killed during a shooting incident. In England and Wales, by contrast, there are detailed procedures and notes of guidance about all manner of the aspects of which may arise after a police shooting incident. The *Manual of Guidance on Police Use of Firearms* (MGPUF) gives a detailed list of points in Chapter 14, including instructions on how to deal with the scene of the incident, how to offer support to the officers involved, how to investigate the incident, how to deal with the press and how to help officers' families. There is a strong argument that the police in Taiwan (ROC) should develop a set of post-shooting incident procedures, closely modelled on those in England and Wales. There are other matters in the *Manual of Guidance on Police Use of Firearms* from which the police in Taiwan (ROC) could usefully learn, including the regulations on the selection criteria and minimum standards for authorised firearms officers, the basic tactical principles, and how to deal with armed suspects in building, vehicles and open spaces.

An eighth topic for analysis and recommendation is the investigation of police shooting incidents. In Taiwan (ROC), police shooting incidents are investigated and adjudicated by the procurators and judges. The police themselves do not play an important role in the investigation process and yet the procurators and judges do not have the necessary professional or specialist knowledge to understand how and why officers come to a decision to use firearms. In order to protect the rights of the public as well as those of the police officer(s) involved, it would seem sensible to learn from the British experience where appropriate. A national independent committee to investigate police shooting incidents could be established, including at least one police officer (or former police officer) with good knowledge, experience and understanding in this field. This body would make recommendations to the procurators and

judges. In England and Wales, police officers with extensive experience already play a major role in the investigation of police shooting incidents. This has been criticised in the press and by politicians as lacking the necessary objectivity and impartiality. To overcome these criticisms the Police Complaints Authority (PCA) could usefully establish a special unit, to conduct thorough investigations of police shooting incidents. Former police officers could be involved in such investigations, but they would essentially be seen as separate from police activities.

Finally, there are three suggestions which might help to improve the safety aspects of the use by police of lethal weapons. The police of Taiwan (ROC) should consider adopting the system in England and Wales of issuing a firearms authorisation card. This is a useful means of identification and of legitimating the officer's right to carry a weapon and also includes a valuable summary of key points to remember when using firearms. The police service in Taiwan (ROC) should also introduce a more reasonable shift system for police officers, to cut down on accidents or unprofessional behaviour caused by tiredness (Chiang 1990j and 1991f).

Training should also be further improved in both Taiwan (ROC) and England and Wales. In Taiwan there should be greater emphasis placed on specialised as well as general firearms training. In England and Wales the authorised containment firearms officers, which is the basic AFO, only receive a two to three weeks basic course, followed by two-day refresher courses every three months. This hardly seems sufficient, and was criticised by a number of officers in interviews and answers to the questionnaire. There are strong arguments for increasing the regular training for the basic containment AFOs.

4 Concluding Comments

As already discussed in the introduction, there are four main aims of this thesis: firstly to review and analyse modern police development in Taiwan (ROC) and England and Wales, including examination of the tradition and police philosophy regarding the use of police weaponry and how police development was affected by political, economic and social change. The second aim of the thesis is to examine the policy and practical operation of the use of police weaponry in both countries, and to see whether they consider simultaneously the following three goals: ensuring people's rights, protecting police safety and

accomplishing police duties. The third aim of this thesis is to compare the use of police weaponry in the two countries, analysing the differences and similarities, and advantages and disadvantages of the two systems, so that both systems can learn from one another regarding the use of police weaponry. Finally, the thesis aims to offer recommendations relating to the use of police weapons in both countries.

In Chapters 2 and 3, we discuss in detail the police development in China and Taiwan (ROC), including: the establishment of the 'new' police; national security; economic development; education expansion and the political developments in Taiwan (ROC) after 1949; and the recent relations between two sides of the Taiwan Straits. The recent police organisation, police powers and missions, police training and current challenges to policing in Taiwan (ROC) have also been analysed in detail. We also examine how the police in China and Taiwan (ROC) were affected by politics, economy and society during their developments. In Chapters 4 and 5, the development of the British police has been surveyed in detail, including analysis of the birth of the 'new' police; and public acceptance; the amalgamations and rationalisations; conditions of service; communication and mobility; public/police relations; and police accountability of the early day policing. The current establishments and organisation, police accountability, police powers, conditions of service, police training and recent challenges to policing in England and Wales have been also examined in detail.

In Chapters 6, 7 and 8, comparison was made between the use of police weaponry in Taiwan (ROC) and England and Wales. The scope of the comparison includes the tradition, advantages and disadvantages of being armed or unarmed, laws and regulations for the use of police weaponry, those who have the power to use police weapons, types and specifications of police weapons, the procedures regarding the use of police weapons and police firearms training. The comparison of the responsibility for using police weapons, investigation procedures after police shooting incidents, compensation arrangements after shooting incidents and dealing with psychological stress after shooting incidents have been also thoroughly examined and analysed in detail. We do find several differences and similarities, advantages and disadvantages between the two systems and they have been summarised in the section 1 of the conclusion. According to the findings of the research, several recommendations relating to the use of police weaponry in the two countries have been offered in

section 3 of the conclusion. Generally speaking, all the four aims of the research have been achieved completely.

As already mentioned in Chapter 1, there are two hypotheses in this research. One is 'in a society in which crime increasingly involves firearms, an unarmed police force will not have the capacity to accomplish their duties, to ensure people's rights and protect their own safety'. The other one is 'if crime involving firearms is increasing in England and Wales, the British police will increasingly and permanently arm their officers, and the development of the use of police weaponry will gradually converge towards a permanently armed police model. Conversely, due to the disadvantages of a permanently armed police, the police in Taiwan (ROC) will gradually reduce the occasions on which officers carry firearms, and the development of the use of police weaponry will gradually converge towards a unarmed police model'. According to the analysis and discussion in sections 2, 3, and 4 of Chapter 6, we do find that in a society in which crime increasingly involves firearms, an unarmed police force does not even have the capacity to protect their own safety, and that it is more difficult for them to ensure people's rights and accomplish their duties. In England and Wales, according to the analysis and discussion in section 4 of Chapter 6, we do find evidence, summarised in section 1 of the Conclusion, to prove that the British police do already increasingly and permanently arm their forces. Conversely, as we discussed in section 8 of Chapter 6, and section 1 in the Conclusion, due to the disadvantages of the armed police, Taiwan (ROC) has started to adopt several policies since the beginning of the 1980s aimed at reducing the levels of arming. For instance, when police officers undertake census taking or traffic control they no longer carry firearms. Accordingly, the second hypothesis would appear to be proven.

During the last 30 or 40 years there have been very considerable changes in both Taiwan (ROC) and England and Wales. The government of Taiwan (ROC) has introduced all manner of reforms in the country's political and economic system, in education and criminal justice, and other social policies. Martial law remained in effect until 15 July 1987 and this affected policing and its development. Since then, the police service in Taiwan (ROC) has changed markedly but still needs to learn from the experiences elsewhere.

With an area of some 244,100 square kilometres (94,250 square miles) and a population of over 57 million, Britain is about seven times the size and two and half times the population of Taiwan (ROC). Both countries are

composed of islands. In many respects, the police in both countries face similar challenges, with rising levels of criminality, problems with organised crime, smuggling, drugs and terrorism, incidents of public disorder and increased demands for accountability, effectiveness and professionalism.

The police service in both countries can usefully share information and ideas and learn from each other's experiences. This thesis and the research upon which it is based provides one opportunity for this to happen and the author hopes that in the coming years there will be further comparative studies which should be to the mutual benefit of the police and the people of both Taiwan (ROC) and the United Kingdom.

APPENDIX A

The Act on the Use of Police Weaponry 1985 (Taiwan ROC)

Article 1 The police weapons that police on duty can use include truncheons, knives, guns, and other approved weapons. The types and specifications of police weapons are decided by the Executive Yuan.

Article 2 When police execute their duty, they are allowed to use police truncheons to command when they encounter the following situations:
(i) To guide traffic;
(ii) To channel crowds;
(iii) To guard against accidents.

Article 3 When police execute their duty, they are allowed to use truncheons to stop by force in the following situations:
(i) When assisting the investigation of criminals, or search, retention, summons and arrest, forcible power can be exercised;
(ii) When the police execute their duty according to the law and are threatened;
(iii) When it happens in any situation of any item of Article 4, it is regarded as to be appropriate to use police truncheons.

Article 4 Knives or guns can be used by police on duty in either of the following conditions:
(i) To avoid emergency accidents and maintain public order;
(ii) When disturbance affects public order;
(iii) When faced by refusal to surrender or by escape of those criminals arrested or imprisoned;
(iv) When land, houses, vehicles, ships, or airplanes defended by police or others' lives, bodies, freedom, and property are endangered or threatened;
(v) When police lives, bodies, freedom and equipment are endangered or threatened;
(vi) When a gangster holds a weapon and intends to cause trouble, when he is instructed to give up the weapon by the police but does not follow the order;
(vii) This happens in the situations of Articles 3(i) and 3(ii), without police guns or other approved weapons, gangsters cannot be prohibited.
In the cases of Articles 4, if necessary, other approved weapons can be used together.

Article 5 The police can use weapons only in an emergency, and have to give warning first; however, it doesn't include those cases too urgent to give warning first.

Article 6 When the reason for the police using weapons is about to disappear or has disappeared, the police should stop using them immediately.

Article 7 In using weapons, the police should be careful not to hurt others.

Article 8 In using weapons, except in urgent situations, the police should avoid hitting the fatal parts of the body.

Article 9 After using weapons, the police should report the occurrence to their superiors. However, the use of police truncheons to command does not need to be reported.

Article 10 If the police use knives, guns, and other approved weapons in the cases not mentioned in Article 4, they shall be punished by their superiors. If they consequently injure or kill anyone, they shall be punished according to the Criminal Law, and the victim shall be given medical insurance or pension by the government. But if the behaviour is intentional, the government can request that the police involved provide compensation.

Article 11 That the police officers use weapons according to this Act is lawful.

Article 12 The Act is also applicable when military police carry out the duty as judicial and martial police, or when the station police approved by the Ministry of the Interior carry out their duty. The management of station police's weapons is made by the Ministry of the Interior.

Article 13 Without the approval of the Ministry of the Interior, the production, sale, and possession of police weapons are illegal, and they should be confiscated by the police institute.

Article 14 The Act will come into force from promulgation date.

APPENDIX B

Guidelines on Police Use of Firearms in England and Wales

1.1 The agreed A.C.P.O. and the Home Office policy governing the police use of firearms is set out in this Manual. In the event of a spontaneous firearms incident occurring, officers should refer to the aide memoire, Annex A1. For a pre-planned operation, Operational Commanders should refer to the aide memoire, Annex A2.

Principles Governing the Issue and Use

1.2 Firearms are to be issued only where there is reason to suppose that a police officer may have to face a person who is armed or otherwise so dangerous that he could not safely be restrained without the use of firearms, for protection purposes or for the destruction of dangerous animals.

1.3 Firearms are to be used by authorised and trained police officers only as a last resort where conventional methods have been tried and failed or must from the nature of the circumstances obtaining be unlikely to succeed if tried. They may be used, for example, when it is apparent that a police officer cannot achieve the lawful purpose of preventing loss, or further loss, of life, by other means.

Authority to Issue

1.4 Authority to issue firearms should be given by an officer of A.C.P.O. rank, save where a delay in getting in touch with an officer of A.C.P.O. rank could result in loss of life or serious injury, in which case a Chief Superintendent or Superintendent may authorise issue. In such circumstances an officer of A.C.P.O. rank should be informed as soon as possible. Authorising Officers should make reference to the aide memoire, Annex A3. Special arrangements may apply where firearms are issued regularly for protection purposes, but these should be authorised by an officer of A.C.P.O. rank in the first instance.

Regional Crime Squads

1.5 These guidelines apply to the issue of firearms to Regional Crime Squad personnel. Whenever possible, the authority of an officer of A.C.P.O. rank of the Force in which an operation is occurring should be obtained. As in paragraph 1.4, the Regional Co-ordinator (or in his absence, his deputy) may authorise issue, but in such circumstances an officer of A.C.P.O. rank in the Force concerned should be informed as soon as possible.

Cross Border Incidents

1.6 Where an operation for which firearms have been issued requires officers to follow suspects into another Force area, the initial authorisation will remain valid. However, an officer of A.C.P.O. rank in that Force area must be informed at the earliest opportunity.

Operations in Support of Other Agencies

1.7 Occasions may occur when a Chief Officer agrees to assist another law enforcement agency, e.g. Customs and Excise, A.E.A. Police, in an operation which is within his Force area and for which the appropriate authority to issue firearms is given. The principle applies that a Chief Officer of Police is totally responsible for all matters within his Force area, except in the limited and special circumstances when he gives authority in writing to a military unit for a special purpose. When firearms are issued it is more important than ever that everyone involved should understand that the senior police officer from the

Force providing assistance is in overall command of the operation. The closet co-ordination and detailed planning between the Force(s) and the agency concerned is vital, and should be agreed at A.C.P.O. level and its equivalent.

Conditions of Issue and Use

1.8 Firearms should be issued only to officers who are currently authorised and trained in a particular class of weapon. Officers authorised to use firearms must attend regular refresher courses and those failing to reach the qualifying standards will lose their authorisation and must not thereafter be issued with firearms. Each authorised officer must hold an authorisation card showing the type(s) of weapon that may be issued to him. The authorisation card must be produced before a weapon is issued and must always be carried when the officer is armed. The card holder's signature in the issue register should be verified against the signature on his warrant card. The card should be issued without alteration and should have an expiry date on it.

1.9 Records of issue and operational use should be maintained. All occasions on which shots are fired by police officers other than to destroy dangerous animals must be thoroughly investigated by a senior officer and a full written report prepared.

Oral Warning

1.10 If it is reasonable to do so an oral warning will be given before opening fire.

Medical Assistance

1.11 Urgent steps are to be taken to ensure that early medical attention is provided for any casualties.

Use of Minimum Force

1.12 Nothing in these guidelines affects the principle to which Section 3 of the Criminal Law Act 1967, gives effect that only the minimum force necessary in the circumstances must be used. The degree of force justified will vary according to the circumstances of each case. Responsibility for the use of a firearm is an individual decision which may have to be justified in legal proceedings.

Responsibility For Use

1.13 Section 3 of the Criminal Law Act 1967, states:- "A person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large".

1.14 The responsibility for use of a firearm rests with the individual officer and he is answerable to the courts, both criminal and civil.

1.15 Action in a civil court will involve not only the individual officer but also the chief officer of police.

1.16 A senior officer can order when shots may be fired but such orders from a senior officer, whether right or wrong, will not exempt the individual officer from his responsibility. No general rule can be laid down and much must turn on the circumstances of individual incidents. However, examples of circumstances in which it would be proper for a senior officer to give such authority to shoot would be co-ordinated fire by police riflemen in a terrorist/hostage situation, or by baton gunners in extreme public order situations.

Briefing

1.17 Briefing by senior officers is of paramount importance and must include both authorised firearms officers and non-firearms personnel involved in an

operation. Senior officers must stress the objective of any operation including specifically the individual responsibility of authorised firearms officers.

Shooting To 'Stop' Or As A Warning

1.18 Firearms are to be used only as a last resort. Warning shots will not be fired by police. The objective of an armed police operation is to incapacitate and arrest an armed suspect with the least possible danger. A completely successful operation is one in which the suspect is arrested without a shot being fired.
1.19 An authorised firearms officer is trained to shoot at a given area - usually the torso. Any shot aimed at that target area is likely to result in grievous bodily harm being caused. Therefore, if an officer shoots with the intention not to kill the suspect, but to stop him, he must realise that a possible consequence is the death of the suspect. He must therefore believe before he shoots that causing grievous bodily harm or possibly killing the suspect is reasonable under those particular circumstances and that the conditions of Section 3 Criminal Law Act 1967 apply.
1.20 It follows that if the circumstances would not justify the killing there must be no attempt to stop a suspect by shooting merely to wound him.

Use of Revolver

1.21 As a general rule police revolvers should only be used in the double action mode. Familiarisation with single action mode and its disadvantages should be included within the basic handgun course. Instructors require skills in single action mode for instructional purposes and a relevant period and classification standard are included in the National Instructors' Course.

Alcohol And Drugs

1.22 The consumption of alcohol or the use of drugs in medical treatment will reduce the alertness and performance of an authorised firearms officer.
1.23 Under no circumstances should alcohol be consumed by officers carrying firearms. Any officer who has consumed alcohol within the previous 24 hours must report that fact before receiving a firearm for operational or training purposes, and a decision must be made whether that officer is fit for duty in the particular circumstances.
1.24 Any officer who is receiving a course of drug treatment must take the advice of a medical practitioner about side effects from the drug upon his alertness and performance, and must report the facts; he may be excluded from a firearms operation or training.

Authorisation Card

1.25 An authorisation card for issue to authorised firearms officers, together with a brief summary of the most important points for an individual officer are at Annex A4. It is suggested that this summary is placed on the reverse side of each authorisation so that an officer will have it with him whenever he is armed.

The Public Image Of Police Operations

1.26 Operations involving the use of firearms are of particular interest to the media and the general public. The image of the police is always at stake, and can be affected particularly by the physical appearance and deportment of armed officers in public. It is important for public confidence that by their bearing and conduct, police officers are seen to be well-trained and disciplined in handling potentially lethal weapons.
1.27 Handguns should be holstered and concealed whenever practical. Rifles and shotguns should not be displayed publicly unless absolutely necessary, and must be carried properly at all times.

1.28 All police officers should be dressed in an unmistakable police uniform appropriate to the circumstances. Plain clothes officers must have a distinctive means of identification, e.g. chequered arm-band.
1.29 As a general rule, camouflage type clothing is required only by riflemen engaged in surveillance.
1.30 It is the responsibility of supervisors and firearms instructors to see that the standards of professionalism taught in training are maintained in the stress of operations.

Annex A1

Guidelines On Police Use Of Firearms - Planning Armed Operations
Spontaneous Firearms Operations
(Immediate Considerations for Senior Officers)

1. Confirm instant response crews in attendance and Superintendent or above has authorised weapons (if appropriate).

2. Contact:-
   (a) Tactics Advisor
   (b) A.C.P.O. rank for authority/confirmation for issue of weapons.

3. Confirm/appoint Incident and Scene Commander.

4. Confirm rendezvous point and safe routes are established.

5. Gather manpower to contain the incident safely and effect public control.

6. Weapons/Equipment:-
   (a) Confirm weapon requirement, level and type (liaise with Tactics Advisor).
   (b) Full support equipment, e.g. communications, body armour, etc.

7. Gather all relevant intelligence information on premises, innocent parties, suspects, vehicles and background detail.

8. Planning options:-
   (a) Wait
   (b) Direct contact - negotiation
   (c) Subterfuge
   (d) Entry.

9. Contingencies, e.g. escape, pursuit, hostages.

10. In the briefing, update personnel, including those already on containment, on intelligence, plans, options and contingencies. Hold formal briefing if possible.

11. Full de-brief of relevant personnel, including raid and support groups, on completion of incident. Expert counselling of A.F.O.s for post-shooting/incident, shock/trauma, etc.

Annex A2

Guidelines On Police Use Of Firearms - Planning Armed Operations Pre-Planned Firearms Operations Points To Consider For Senior Officers

1. Contact A.C.P.O. rank - authority for firearms issue.

2. Contact Tactics Advisor.

3. Gather intelligence (appoint Intelligence Officer if necessary).

   (a) The suspect:-
   - (i) His vehicle.
   - (ii) His weaponry and ammunition.
   - (iii) Photograph/description.
   - (iv) Personality, mental and physical condition.
   - (v) Local intelligence officer/records.
   - (vi) Neighbours and family - attitudes.

   (b) Premises/occupants:-
   - (i) Possible persons in premises, e.g. women/children, associates, animals, any pro-police occupants.
   - (ii) Layout of interior/exterior of premises, photographs, plans.

4. Manpower resources.
   Appoint as appropriate:-
   - (i) Incident Commander.
   - (ii) Scene Commander.
   - (iii) Tactical Team/A.F.O.s
   - (iv) Riflemen.
   - (v) C.I.D.
   - (vi) Policewomen.
   - (vii) Dog Handlers.
   - (viii) Containment Personnel.
   - (ix) Radio Controller.
   - (x) Community Beat Officer.
   - (xi) Press Officer.
   - (xii) Reliefs.
   - (xiii) Medical and other Emergency Services.

5. Equipment.
   - (i) Weapons.
   - (ii) Body Armour.
   - (iii) Communications.
   - (iv) Full Support Equipment.

6. Transport for armed officers, prisoner reception.

7. Warrant.
   - (i) Has a warrant been obtained?
   - (ii) Who has possession?

8. Planning.
   - (i) Basic Plan.
   - (ii) Contingency Plans.
   - (iii) Leader of Arrest/Raid Team to be involved in planning and carry out records as appropriate.

9. Timing so as to avoid public presence if possible. Consider local community reaction - Public Relations follow-up.

10. Dress to be uniform - and other identification methods.

11. Full structured briefing of ALL personnel involved.

12. Full de-brief of relevant personnel, including raid and support groups, on completion of incident. Expert counselling of A.F.O.s for post-shooting/incident, shock/trauma, etc.

Annex A3

Guidelines on Police Use of Firearms -

Aide Memoire for Officers Whose Authority Is Sought for the Issue of Firearms in Operations Against Criminals or Those Known or Believed to Be Armed

The Suspects

1. Has the suspect been located?
2. Is the suspect known or believed to be armed with a firearm or other deadly weapon?
3. If not armed with a firearm, why is he 'so dangerous' to justify the issue of firearms?
4. On what information is this based?

The Operation

5. Has the Tactical Adviser been appointed? What is his advise - if it is yet available?
6. What sort of operation is proposed and what are its objectives?
7. What other options/operations have been tried or are available?
8. Who is/will command the operation?
9. Any innocent parties present, i.e. public or private building?
10. Are there any special considerations, i.e. community reaction in areas of high tension?
11. What steps are being taken to gather intelligence, especially about any premises and location of people therein?
12. Are sufficient trained Authorised Firearms Officers available? (If any restriction is placed on numbers, consult Tactical Adviser).

Overall Consideration

13. Can we wait? Can we arrest him in other circumstances? (e.g. street, D.H.S.S office)
14. What are consequences if the authority to issue firearms is denied?
15. If issued, what tactics are envisaged, e.g.:-

AMBUSH	Allow ambush, or Open display of police presence.
BUILDING	Wait Direct contact Subterfuge Entry - forced

16. What weapons and equipment is the Tactical Adviser recommending?
17. Are the Instant Response Crews being used?

Annex A4

Guidelines on Police Use of Firearms - Authorised Firearms Officer - Authorised Card

(Side 1)

Police
Name No.:
The holder is authorised to be issued with the types of weapons shown below for authorised used in accordance with his standard of training which is set out in Force Standing Order No.....
The officer's signature in the Issue Register is to be verified against his Warrant Card.

1. Revolver 2. Rifle Expires
   Model
   Model .....
   Model
3. Shotgun 4. Other Weapon .....
   .....

Issued Without Alteration

..... Assistant Chief Constable/Commander

(Side 2)

The Law

Section 3 of the Criminal Law Act 1967, reads:-

"A person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large".

Strict Reminder

A firearm is to be used only as last resort. Other methods must have been tried and failed, or must - because of the circumstances - be unlikely to succeed if tried. For example, a firearm may be used when it is apparent that the police cannot achieve their lawful purpose of preventing loss, or further loss, of life by any other means. If it is reasonable to do so, an oral warning is to be given before opening fire.

Individual Responsibility

The responsibility for the Use of the firearm is an INDIVIDUAL decision which may have to be justified in legal proceedings. REMEMBER THE LAW. REMEMBER YOUR TRAINING.

Appendix C

Minimum Standards for Authorised Firearms Officers, Selection Criteria and Safety Factors in England and Wales

Introduction

1. This chapter provides the Minimum standards for selection, training, assessment and authorisation together with the minimum safety factors and standards for training and the conduct and management of ranges. Because of the differences in military and police philosophy in the use of firearms, previous military experience is not necessarily a qualification for selection for any of the categories below until sufficient basic police experience has been gained.

Selection

2. A comprehensive questionnaire on the lines recommended by the Joint Standing Committee should be completed by every applicant for firearms training. This will form the base document for the records of all A.F.O.s Applicants should be assessed, using the following main criteria:-

(a) Length of service.
(b) Attitudes and approach to work.
(c) Motivation and interests.
(d) Temperament, maturity and personality.
(e) Relationships with colleagues and supervisors.
(f) Physical suitability.

The decision that an officer is suitable for firearms training will be made at A.C.P.O. level. Authorisation of an officer as an A.F.O. is the responsibility of the Chief Instructor of each Force. All A.F.O.s should be subject to an annual monitoring of their fitness and suitability for their specialist role.

Categories of Specialisation

3. (a) Authorised Firearms Officers (A.F.O.).
(b) Authorised Firearms Officer plain clothes.
(c) Protection Officer V.I.P.
(d) Convoy Escort Driver/Passenger.
(e) Rifleman.
(f) Shotgunner.
(g) A.F.O. Special team.
(h) CS/Baton gunner.
(i) Firearms Instructor.
(j) Tactical Advisor.
(k) Negotiator.

Skills and Standards

4. A summary of qualifying shoots for all firearms training, together with the minimum standards of skills achievement is at Annex B1.

5. An Authorised Firearms Officers requires to have the skills and standards set out below:-

(a) Shooting
(i) After basic course of instruction should be capable of achieving 70% success rate over a varied shoot of at least 50 rounds in one session. Shoots must include the distance of 7 to 10 metres, 15 metres and 25 metres.

(ii) At least three times in each succeeding year must be capable of maintaining (i) in a requalifying shoot. A.F.O.s should attend training sessions in each year as follows:-
Shooting skills - four days.
Tactical skills - four days.

(b) Handling
(i) Able to satisfy instructor as to skills in loading, unloading and reloading in daylight and darkness; able to remedy stoppages and clean and maintain issue weapon and holster.
(ii) Capable of 'make safe' operation on cocked weapons and displaying safety awareness at all times.

(c) Tactics
An understanding of basic tactical requirements of:-
(i) Assessment of situation.
(ii) Cover.
(iii) Containment.
(iv) Communication and target indication.
(v) House and room searching.
(vi) Vehicle suspect handling - moving and static.
(vii) Road Check techniques.
(viii) Handling of suspects.
(ix) Shoot/Don't shoot situations.
(x) Characteristics of all weapons likely to be used.
(xi) Safe handling and making safe seized and surrendered weapons.
(xii) Skills in planning a Police initiative operation involving firearms and skills in briefing for a Police initiative operation involving firearms.

(d) Stability
SATISFIES INSTRUCTORS AND SUPERVISORS OF A STABLE AND MATURE ATTITUDE WITH FIREARMS UNDER STRESS.

6. An Authorised Firearms Officer (plain clothes) requires:-
All of 5 PLUS:-

(a) Ability to maintain 70% success rate with short-barrelled handgun at ranges of up to 15 metres in shoots of at least 50 rounds.

(b) Knowledge and familiarity with use of specialised concealed holsters and concealable body armour.

(c) Appreciation of difficulties and dangers of plain clothes presences at armed operations.

7. A Protection Officer will require:-
All of 5 and 6 PLUS:-

(a) Any officers employed on close bodyguard protection duties must have completed successfully a three-week Bodyguard course.

(b) Fast draw skills from concealed holsters.

(c) Superior physical fitness.

(d) Disarming techniques relevant to protection role.

(e) Political background knowledge relevant to his role.

8. An officer employed as convoy escort driver or passenger requires:-
All of 5 PLUS:-

(a) Some knowledge related to route selection, and related to cross force convoys.

(b) Superior driving skills.

(c) Superior deployment from vehicle skills.

(d) Skills in use of special weapons where necessary.

9. A Force Rifleman will require:-
All of 5 PLUS:-

(a) Skills in rifle handling of Force rifles, both 7.62mm and sub-calibres.

(b) Ability to hit man-sized target with first shot at 400m (7.62mm) or 200m (5.56mm) and head and shoulder target with his first shot at 200m (7.62mm) or 100m (5.56mm) with 90% accuracy in a classification shoot and subsequent re-classification.

(c) Fieldcraft skills in concealment, camouflage, movement and observation.

(d) Higher level of efficiency and co-ordinated fire and visual selection of target from groups.

(e) Skills in controlled and co-ordinated fire and visual selection of target from groups.

(f) A full tactical understanding of rifleman's role in containment, observation and intelligence gathering in armed and unarmed operations.

(g) Understanding of techniques for destruction of animals.

10. A Force Shotgun Officer will require:-
All of 5 PLUS 14(b) and:-

(a) Skills in shotgun handling with Force shotguns.

(b) Ability to achieve an 80% standard. Minimum 25 round shoot from 40 to 10 m with varied ammunition, in a classification shoot and subsequent re-classification.

(c) Understanding of the role of shotgun in containment. CS irritant placement, particularly 12 gauge 'Ferret' ammunition, and building search.

(d) Understanding of techniques for destruction of animals.

11. Special tactical teams require all or the majority of skills contained in paragraphs 5, 6, 9, 10, 14, and 16 as appropriate. Ideally, team members should be totally inter-changeable, but this can be optional.

12. The skills required in handling all weapons for which authorised, and specialised equipment, must be of a standard appropriate to the nature of the anticipated task. The frequency of training must reflect this commitment.

13. Selection criteria for membership of such items are critical. Whilst Force Instructors are an easy and often obvious choice, it should be recognised that their commitment and responsibility to training may be in conflict with their operational availability. Whilst the nucleus of a

team may be Instructors, it is essential that other personnel be selected and trained.

14. An officer authorised to use CS irritant or Anti-Riot Equipment will require:-
All of 5 PLUS:-

(a) Skills as appropriate for handling any of:-
(i) 37mm - Smooth bore CS Gun.
(ii) 37mm - L67A1 Baton Gun and any other Home Office approved Baton Gun.
(iii) 66mm - L1A1 Grenade Launcher.
(iv) CS Smoke - Grenade, hard thrown.

(b) Knowledge of effects of CS irritant and its dangers and restrictions, authority for use, performances of different ammunitions, liquid and smoke.

(c) Knowledge of tactics involved in quelling serious public disorder and the role of CS and another agents, as set out in A.C.P.O. Public Order Manual - tactical options and related matters.

(d) Ability to hit the lower portion of a man-sized target consistently at 25m with a baton round fired from the L67A1 riot gun or currently authorised gun.

Force Firearms Instructor

15. In order to ensure uniformity in practice and procedure, a Force Firearms Instructor should have attended an approved Instructors' Course at one of the National Training Centres, i.e. Metropolitan Police, West Yorkshire Police, Lancashire Constabulary, Northumbria or Devon and Cornwall Constabulary. Once qualified and in order to retain his Firearms Instructors' Qualification, an instructor should be attached to his Firearms Training units as an instructor for an aggregate period of not less than four weeks in any two year period. If involved in in-force instruction on Force bodyguard protection courses, the Instructor must also have attended a three-week Bodyguard Protection Course at one of the National Centres. The Instructors will require knowledge of the skills involved in 5 to 16 , some knowledge of 17, plus after training:-

(a) Acceptable standard of instructional ability including use of visual aids.

(b) Acceptable standard of lecturing ability.

(c) Acceptable standard of coaching ability.

(d) Acceptable standard of tactical advisory ability.

(e) Ability to conduct evaluation of all related equipment and report findings.

(f) Ability to handle and shoot all weapons to National Instructors' Standard.

(g) Physical fitness to a reasonable standard.

16. An officer employed as a Force Tactical Advisor must be or must been an authorised Firearms Officer and in addition:-

(a) Have knowledge of abilities of 6, 9, 10, 11, and 17.

(b) Should have extensive background of tactical solutions and deployment, communications, option and contingency planning and Force Policy.

(c) Must be capable of assisting in control at operations and liaison between Authorised Firearms Officers and Operational Commanders.
N.B. A Tactical Advisor May Be Of Any Rank.

17. An officer, employed as negotiator, usually of middle supervisory rank, requires:-

(a) To have attended The National Negotiators' Course which includes some appreciation of the tactics and skills involved in a firearms operation.

(b) An understanding of the vital nature of a two-way flow of firearms and tactical information gathered during an operation.

Dog Handlers

18. Dog handlers may be authorised firearms officers provided that the appropriate standards recommended in 5 are fulfilled. All dog handlers should have an appreciation of firearms tactics and participate in training with Authorised Firearms Officers.

Selection Criteria For Firearms Instructor

19. A person selected as a potential Firearms Instructor should be subject to strict local selection.

(a) The man must want to do it.

(b) He must be of consistently above average standard in hand guns in his own Force.

(c) He must have a minimum of four years police service unless there are very exceptional circumstances of expertise and experience.

20. When selecting a Firearms Instructor it is usual for the man to be selected from established A.F.O.s It is advisable that the person so selected must have been authorised for at least two years, if that person has no additional firearms experience to draw on, e.g. ex-military.

21. There are certain officers whose previous experience in the use of firearms qualifies them to be selected for instructor training without meeting the criteria of two years as an A.F.O., e.g. ex-Military Firearms Instructors or certain officers who are involved in private shooting of many years standing.

Range Safety Standards

Ratio of Instructors

22. In order to meet minimum range safety standards, the ratio of Firearms Instructors must be not less than one instructor for each four students on firing points. In addition there must be one instructor who is in overall charge of the range and properly qualified and authorised to act in that capacity.

Ear and Eye Protection

23. Standards relating to protection for ears and eyes are approved by the Health and Safety Executive and should be applied to all training

situations. Appropriate protective equipment should be provided on all firearms ranges.

Lead Pollution

24. Standards relating to Threshold Limit Values (T.L.V.) of lead in air present in indoor ranges during firing, are recommended by the Health and Safety Executive and controlled by the current Lead at Work Regulations. They should be both applied and regularly monitored during training.

25. The use of copper-jacketed ammunition in training reduces lead pollution considerably, provided that the copper jacket completely covers the lead base of the missile.

Health Checks

26. Regular checks, on a basis of at least 12-monthly intervals, should be made on the blood/lead level and hearing of instructors employed on either indoor or outdoor ranges.

27. Where any doubt exists as to the efficiency of the mechanical methods of controlling the lead T.L.V. on a range, staff employed on that range should be rotated on other, preferably outdoor, duties on a monthly basis.

Appendix D

Weapons, Equipment and Supporting Services in England and Wales

Introduction

1. This chapter offers guidance on weapons and equipment in both specific and general terms for all types of police firearms operations. It must remain an overriding principle that armed officers are dressed in unmistakable police uniform with distinctive identification for plain clothes officers.

2. Equipment has been placed in the three categories below, and some items will by necessity appear in more than one category. Other factors will categorise the equipment, e.g. desirable, necessary or essential. This format has not been adopted as each Chief Officer will make the necessary decisions on the basis of his own operational demands within each category below:-

(a) Personal - for use by individual authorised officers.
  (i) Force issue weapon.
  (ii) Force issue holster.
  (iii) Force issue clothing (uniform officers only).
  (iv) Body armour.
  (v) Ammunition.
  (vi) Ammunition carriers/reloading devices.
  (vii) Visual identification (plain clothes officers only).

(b) Team - for use by members of specialised tactical units.
  (i) Clothing - uniform, safe and comfortable.
  (ii) Weapons.
  (iii) Ammunition.
  (iv) Transport.
  (v) Communication.
  (vi) Respirators.
  (vii) Special equipment.
  (viii) Holdalls.

(c) Force - a central reserve for major incidents or unusual needs.
  (i) Transport.
  (ii) Communications.
  (iii) Lighting.
  (iv) Major incident equipment.
  (v) Catering.
  (vi) Technical/Surveillance/Evidential.
  (vii) Killing of animals manuals and equipment.
  (viii) Dogs.

In addition the ballistic clipboard is protective equipment which can be issued to authorised and non-authorised personnel, and from part of vehicle equipment. Whilst the ballistic clipboard can be a discreet form of protection, there are limitations as to its effectiveness.

Personal Equipment - Force Issue Weapon

3. The recommended weapons for general issue to authorised firearms officers are:-
(a) Revolver: Capable of firing .38 Special ammunition with 4in. barrels for uniform use and 2.5in. or shorter barrels for plain clothes duties.

(b) Self-loading Pistol: 9mm calibre, fixed sights, of simple operation. (Usually to specialist officers).

N.B. Additional training is usually required for these weapons adding to cost and giving safety problems.

(c) Rifles/Carbines: Placed in two groups: Long Range (300m plus). Short Range (300m minus), binoculars which are a part of the essential kit of the authorised officer on rifles and carbines; good quality 7 x 50 all weather variety are recommended.

(i) Long Range should be 7.62mm (.308in) calibre, simple design bolt action, magazine fed, simple, with telescopic sight 4X to 10X magnification. A bipod is useful but not essential.

(ii) Short Range should be 5.56mm (.223in.) .243in. or .222in may be self loading with similar accessories to long range rifle. Some 9mm carbine weapons will meet the requirements for this range but they should conform to the approved Joint Standing Committee type, i.e. they should not be militaristic in appearance.

(d) Shotguns: 12-gauge pump-action shotgun with rifle sights, chambered for 2.3/4in. cartridges and bored true cylinder to enable CS ammunitions and rifled slug to be used. Both fixed and folding stock weapons should be available.

Holsters

4. Holsters must be made available with the following factors considered:-

(a) For uniform wear - stout leather belts fitted with holsters of a suitable type able to cope with use in vehicles, and with a substantial securing strap or thumb-strap device.

(b) For plain clothes officers - high-rise or Pancake design holsters with an alternative of other specially designed holsters should be available. N.B. Most ranges are unsuitable for training in draw and fire techniques from shoulder holsters, which cause the weapons to point the wrong way as they are drawn. Dry firing techniques may therefore have to be used for safety reasons.

Clothing

5. All outer clothing issued to A.F.O.s must be unmistakable police uniform. Camouflage style and coloured garments are not appropriate to police operations, except to riflemen who may be engaged in surveillance. A.F.O.s are likely to be deployed at protracted incidents in all weather conditions. The following factors are relevant:-

(a) A wet-weather outer garment which allows freedom of movement and access to a waist holster, together with warmth in exposed static positions.

(b) Headwear, hoods, etc., to prevent rain from running down necks.

(c) Balaclava style helmets to give facial protection and camouflage in deployment.

(d) Firearms Instructors should be provided with overalls capable of regular cleaning.

(e) Lightweight nylon outer garments may not be suitable because of noise factors in close quarter/covert operations.

(f) Under no circumstances should high visibility protective outer clothing be worn.

Body Armour

6. The selection of body armour depends on the anticipated threat level. "Soft" body armours consist of multiple layers of Kevlar and protect from handgun threats, and shotgun pellets fired from ranges greater than around 30 meters. With the addition of ceramic based armour-plate, the body armour may be uprated to defeat a range of high velocity threats. "Combination" armours are considered by S.R.D.B. to be essential where the threat is not well defined, e.g. a shortgun at close range, or a rifle at any range.

7. S.R.D.B. have the responsibility of updating and dissemination of information on the further development of Body Armour. The purchase of such equipment should be made in accordance with the recommendations of that Department.

Ammunition (Revolver)

8. The selection of appropriate ammunition is a matter requiring careful consideration and will depend to some degree upon the environmental and economic factors surrounding the area policed. It should provide the greatest operational efficiency together with economy in training and should conform to the current recommendations of the Home Office regarding bullet configuration, i.e. Not hollow point. The S.R.D.B. research into the most suitable type currently suggests that .38 Special 125 grain semi-jacketed semi-wadcutter best meets this criteria.

9. Only ammunition subject to strict factory quality control should be issued for operational purposes. All ammunition purchased should be accompanied by a proof house pressure certificate giving details of its mean working pressure. Batch pressure tests should be periodically carried out where Forces reload their own training ammunition.

Ammunition Carriers/Reloaders

10. For officers who are required to have personal control over a supply of ammunition over a period of time, plastic boxes designed to carry rounds of various calibres are available. For fast reloading purposes. there are 'speedstrips' and other devices for six rounds of handgun ammunition for revolvers. They may be carried on the belt or in a pocket.

Visual Identification

11. (a) Armed Uniformed A.F.O.
Ski cap or beret, with clearly identified police marking.

(b) Plain clothes - A.F.O. (Crime C.I.D.)
Ski cap with clearly identified police marking to be worn when covert stage changes to overt.

(c) Plain clothes - A.F.O. (Bodyguard Protection)
Identify pins, identical ties, chequered wrist bands and ski cap in pocket if operation becomes overt.

(d) Plain clothes officers - unarmed
Chequered arm bands, tabards, chequered bandoliers, pocket badges, warrant cards in pocket.

It is essential that at briefings the identification of armed authorised firearms officers is made known to all officers involved in the operation.

Specialised Teams - Equipment

12. Teams will not necessarily require all the equipment in this section, but the section can be used as a general list from which a suitable selection may be made.

Clothing

13. All outer garments should be clearly marked 'POLICE' if they do not conform to normal police uniform concepts. Issue should be as for the individual A.F.O. but with some addition, such as:-

(a) Lightweight rubber-soled boots.
(b) Beret or ski cap.
(c) Balaclava type helmets or face veil camouflage nets.
(d) Gloves and coveralls.

Weapons

14. As for Force issue, with the addition of:-
(a) Shotguns - 12 gauge, pump-action, with rifle sights and folding stock capability.

(b) Carbines - Access to carbines (single shot) for work in containment, with folding stock and sound moderation capability.

(c) CS Weapons - 1.5in (37mm) smooth bore, for use with barricade penetrating ammunition in siege situations.

(d) Grenades - Access to smoke (screening), CS and percussion (low intensity) grenades for tactical options.

(e) Night capability - Should be provided in the form of night sights. Weapon mounted or portable spotlights will provide an alternative option.

15. Any special weapons should be of types recommended by the A.C.P.O. Joint Standing Committee on Police Use of Firearms.

Ammunition (Special Weapons)

16. Any suitable ammunition for the above special weapons within the bounds of Home Office and A.C.P.O. Committee recommendations may be held. In addition some hunting ammunition should be considered where the requirement to kill animals is probable. S.R.D.B. advice and assistance in evaluation may be sought if required.

Transport

17. Personnel carriers and equipment carriers capable of carrying a team of six men (minimum), and all their arms and tactical equipment. These vehicles must be secured and alarmed when left near a scene of operations. See also under 22 for special vehicles. Helicopters have great transport value in some areas, in addition to their tactical value.

Communications

18. The following should be available:-

(a) Radio paging systems for call-out after normal working hours.

(b) Public address systems for use from containment cordons. (Public address from a helicopter can be very effective).

(c) Radio sets on the separate firearms channel recommended in Home Office letter and report (Ref. DT 69 535/4/14) on radio equipment for firearms officers. These must be capable of operation from set to set within buildings and fitted with remote ear-pieces for silent reception, remote 'whisper' transmission microphone and remote 'press to talk' switch.

(d) Portable battery charges.

(e) Spare capacity in radio sets is advisable to enable deployment to Commanders on scene and officers from other branches.

Respirators

19. S.R.D.B. recommends the use of the S6 and S10 respirator for most of the incidents where police officers may require respiratory protection equipment. However, such a respirator may prove unnecessarily efficient when used in situations where CS irritant is deployed. The combination of a simple facelet mask and a pair of goggles has been found to provide an inexpensive but effective solution.

Special Equipment

20. Special teams require a variety of items of equipment for protection, entry and rescue purposes:-

(a) Protective
(i) Bullet resistant screens, either hand held and portable/or heavy weight and static, e.g. armoured vehicles.
(ii) Armoured helmets are available but offer only limited protection and S.R.D.B. advice should be sought. The standard issue helmet for public disorder does not offer any ballistic protection.
(iii) Personal body armour with the capability of additional plate should be available.

(b) Forcible Entry
(i) Sledge hammer, case-openers, crowbars, hammers, screwdrivers, pliers, wire and bolt cutters, hydraulic jacks and rams all give a team a better chance of surprise, surreptitious entry, or rescue where required.
(ii) Explosives may be considered for certain types of incident, of the linear cutting charge type used for cutting holes in doors, walls or other partitions; these are much more efficient than mechanical means, but require special training.

(c) Tactical
(i) Abseil ropes and harnesses, ladders of the silent running extending type where possible, painted black.
(ii) Portable spot and flood lighting and individual powerful rechargeable torches.
(iii) Extending mirrors and/or periscopes.
(iv) Spare handcuffs.
(v) Knives capable of single-handed use (tied hostages have been encountered).
(vi) Wedges for propping doors and windows during progress.
(vii) Luminous markets for personnel, kit and routes.
(viii) Cameras still and/or video for reconnaissance and briefing.
(ix) Quick response equipment vests for the carriage of small items of equipment on the person of each member of the team.

Holdalls

21. Large waterproof holdalls, full-length opening, with space for weapons, personal clothing and equipment should be issued to each team member. They should have a panel for identity marking.

Force - Support and Special Equipment Transport

22. Major incident vehicles, controls, communications vans, mobile toilet facilities and technical support vehicles will all be required subject to the scope of the incident. Special vehicles for engineering work may be hired.

Communications

23. The following should be considered in planning:-

(a) Supplies of additional personal radios to enable normal policing to continue around an incident whilst those involved operate on the firearms network.

(b) Contingency plans for additional telephone facilities in emergency.

(c) Public address systems including public address from helicopter support.

(d) Paging devices or a system for call out for all key men of departments involved.

(e) Whistles as an alternative means of signalling, and control of search parties.

Lighting

24. The following should be available or quickly obtainable:-

(a) Tactical lighting for illumination of scene - spot, flood and 'framed' lighting - (by the use of shutters specific windows and areas can be illuminated).

(b) Portable generators, useful both for lighting and to provide noise as a cover and distraction.

(c) Infra-red capability with compatible viewing equipment. S.R.D.B. advice and assistance should be sought.

Major Incident Equipment

25. This is now frequently deployed at large firearms incidents which attract media and public attention and includes such items as:-

(a) Crowd control tape in various zonal colours.

(b) Flashing lights.

(c) Fist-aid equipment.

(d) Medical and fire fighting crews should be located at the Incident Control for the duration of the operation.

(e) Casualty listing facilities.

(f) Property recording and storage.

(g) Other central store equipment from ladders to sandbags.

Catering

26. In any large or protected operation, hot sustaining food must be available at appropriate feeding centres with facilities to feed groups in operational locations from which they cannot be withdrawn.

Technical/Surveillance/Evidential

27. Special equipment is available to Forces to facilitate the collation of information, and evidence for the eventual presentation of a case in court. Much of this equipment is technical, and is available through the Technical Support Units. At least the senior firearms instructor of each Force should be aware of procedures to obtain such support and the equipment available.

Killing of Animals

28. Manuals and equipment appropriate to deal with animals should be available. Where available, riflemen should be used for the destruction of escaped animals as this provides a greater degree of accuracy at a safe distance. They should be provided with a shotgun for close quarters engagement. For large animals the use of solid lead slug is appropriate. For smaller animals a heavy buck-shot would be appropriate.

Police Dogs and Handlers

29. Consideration should be given on the deployment or availability of Police Dogs at all Firearms Incidents. Consideration should be given to the provision of protective clothing (body armour) for dog handlers.

APPENDIX E

Post Incident Procedures in England and Wales

Introduction

1. Firearms operations are by their very nature highly emotive and stressful for all the officers involved. Consequently, as much attention should be paid to the post incident procedures as to the earlier planning stages.
2. The welfare of officers involved in firearms operations ought to be considered as an integral part of the post incident procedures.
3. Whilst welfare consideration will be of particular concern when shots are fired and when death or injury results, it should be borne in mind that officers may be affected whether or not they fire their own weapons, and indeed even in operation when shots are not fired.

The Scene

4. The scene of any armed operation must be immediately secured, when safe to do so, so as to prevent access by unauthorised persons. If shots have been fired by the police, it is imperative that the integrity of supporting forensic evidence is maintained.
5. At the conclusion of an incident the senior firearms officer should return control of the scene to the Scene Commander as soon as he is satisfied it is safe to do so.

Immediate Support

6. At the conclusion of an incident the principal officers involved should be removed, as soon as practicable, from the immediate scene. Dependent upon the circumstances, it may be necessary, in the first instance, to place the officers in a nearby vehicle.
7. It is imperative that such officers are given immediate psychological support. Under no circumstances should the officers be allowed to stay on their own, and suitable personnel, for example a trusted colleague, should be assigned to stay with them.
8. Officers so assigned should remain with the principal officers during the hours immediately following an incident and should subsequently accompany them home.
9. Care should be taken to ensure that the principal officers are not made to feel that they are being deliberately excluded from subsequent procedures at the scene.
10. As soon as practicable after the incident the principal officers should be examined by a medical practitioner.

Investigation

11. All weapons carried by firearms officers at the immediate scene should be identified, suitably marked and handed to the exhibits officer for forensic examination. This is to protect all officers should it subsequently be alleged that other officers fired shots.
12. All firearms officers, including the principal officers, should leave the scene as soon as the essential requirements of immediate investigation are met.
13. The entire firearms team or any key participants should be moved to a previously arranged venue for a debriefing. This will initially provide those involved with a period for re-orientation and will facilitate the preparation of a summary of events for the information of the Incident Commander.

14. A senior officer from the Firearms Unit of the force should attend this debriefing session and make the appropriate welfare arrangements.
15. An incident where weapons have been discharged by the police will in all probability be the subject of a voluntary referral to the independent Police Complaints Authority under s.88 of the Police and Criminal Evidence Act 1984. Under such circumstances it is likely that a senior chief police officer from an outside force will be appointed to investigate.
16. Officers involved are likely to be in a state of physical and mental shock suffering perceptual distortion particularly in terms of time and distance, therefore, the taking of formal statements should be delayed for a period of 24 to 36 hours in order to give officers an opportunity to recover from the initial trauma.
17. Under normal circumstances it should not prove necessary for an I.O. to interview the principal officer(s) within this time-scale, as sufficient information relative to the nature of the incident will be available in the summary OF EVENTS PROVIDED BY THEIR DEBRIEF. However, IN ENTIRELY exceptional circumstances where that information is clearly insufficient to allow a proper investigation of the incident, then it may nevertheless be necessary to interview the officer(s) directly concerned. Any such interview should be formally conducted under the relevant statutory provision.

Immediate Supervision/Federation Representative

18. Principal officers should be counselled by their supervisory officers and should be given the opportunity to consult with representatives of the Police Federation. Every effort should be made to ensure that early professional legal advice is made available in appropriate cases.
19. Whatever the outcome of the incident the principal officers should not be made to feel they are being ostracized by the Force. It should be possible for their immediate supervisor to express his personal support.

Press

20. Precautions should be taken to protect the officers and their families from unwanted publicity.
21. To minimise the possibility of uniformed rumour and to protect the identity of those involved, contact between firearms officers and personnel not involved in the incident should be restricted. Officers should be briefed not to discuss the incident with personnel who were not involved.
22. No information that might identify officers concerned with the incident should be passed to the press. In addition a degree of sensitivity must be exercised in the completion of internal force publications on reports concerning the incident.
23. When a shooting by police results in a death, consideration should be given to the holding of a press conference by a senior police officer within 24 hours. This will help to reduce press speculation and serve to provide a clear factual account. Care must obviously be taken to avoid compromising any subsequent court hearing or inquest.

Social Support System/Welfare System

24. It is important to ensure that adequate arrangements are made to support principal officers during the weeks immediately following an incident. Support should not be confined to duty hours. Should an officer reside on his own, arrangements should be made to ensure colleagues remain in close contact with him.
25. All officers involved in an incident, whether or not they are the principal officers, should be counselled by a welfare officer within 48 hours. The provision of this facility to all officers will ensure that there is no stigma attached.
26. Records should be kept within the Welfare Service of all such referrals, since related matters can manifest themselves many years later.

Officer's Family

27. All officers involved should be allowed access to a telephone to inform their family of the incident if they wish. If there is any delay in the officer returning home, consideration should be given to a suitable officer being allowed to wait with the family to provide support.
28. The Force should extend its support to the officer's family. The officer's family should be alerted to the possible psychological consequences of the incident and should be offered the opportunity to discuss the situation with the Force's selected health consultant and welfare consultant.
29. Consideration should be given at an early stage to the security of an officer's home. The cost of any appropriate measures such as the installation of a 'panic' alarm direct to the nearest police station and improved locks should be met by the officer's Force.

Psychiatrist/Clinical Psychologist

30. All officers involved in an incident where shots have been fired, whether by the police or otherwise, should be provided with the opportunity to consult with a reputable clinical psychologist or a psychiatrist within two to four weeks following an incident.
31. The provision of this facility to all the officers involved will remove any stigma that might otherwise be attached.
32. The costs of the initial consultations and any subsequent treatment that may be required should be borne by the Force concerned.

Special Leave / Suspension from Duty

33. 'Special' or 'Administrative' leave should be granted to an officer after completion of the investigation officer's initial enquiry. Suspension from duty will only be necessary in exceptional cases.
34. Clearly there may be circumstances where such leave is not in an officer's best interest. If, for example, an officer lives alone he may well prefer to be with his colleagues.
35. Where it is necessary to suspend an officer, that officer should have access to close friends within the services and should continue to receive appropriate medical and welfare support. The officer should be kept fully informed of all developments connected with inquests and court proceedings by his Federation representative or some other suitable person.
36. It is essential that investigations in respect of firearms incidents are carried out expeditiously.

Firearms Authorisation

37. A principal officer should not be detailed for operational firearms duties until he has been able to re-assess his position and decide whether he wishes to remain an authorised firearms officer. He must not automatically be excluded for training.
38. Should an officer, after he has undergone the appropriate counselling procedures, wish to continue as an authorised firearms officer he should be re-instated subject to any disciplinary matters that may preclude re-instatement.

Training

39. The philosophy of the post incident procedure should be applied to any incident where firearms are used, including training incidents.
40. The firearms training unit of each force should provide a training and information package based upon these procedures for use at all levels of training on a regular basis.

APPENDIX F

Summary of Recommendations of the Home Office Working Group on the Police Use of Firearms

1. The Joint Standing Committee on Police Use of Firearms is the right body to pursue many of the issues arising from this report and to see many of our recommendations carried through.

2. In future, guidance and advice on firearms matters should be disseminated to chief officers by means of a Home Office letter where this is deemed to be appropriate. A decision to adopt this procedure should be taken in consultation with the Association of Chief Police Officers (ACPO) and the letter should emphasise that its contents have been agreed with ACPO.

3. The ACPO Manual of Guidance on Police Use of Firearms should be the single authoritative source of guidance on tactical and operational matters relating to the use of firearms by the police and a clear statement to this effect should be made in the Home Office Guidelines.

4. Every police force's standing or general orders should make reference to the Manual but paraphrasing or precis should be avoided.

5. Copies of the Manual should be distributed to all sub-divisional commanders, (divisional commanders in the Metropolitan Police), heads of specialist departments and to every police station general office for their information of authorised firearms officers (AFOs). Chief officers should additionally consider individual issue to every AFO.

6. Officer who may be called upon to authorise the issue of firearms should be issued with an aide-memoire which enables them to confirm inter alia:-
(a) that the request for the issue of firearms is based on sound information;
(b) that the option of a non-armed operation has been properly considered.

7. Checklists should be provided and should be available for quick reference by all those who may need to do so and in the places in which that need may arise. These should cover the principles to be observed in the planning of armed operations as well as the points to be covered in briefing the personnel to be involved in such an operation.

8. The part of the Manual which deals with armed suspects in buildings or other structures should be expanded and clarified to give, inter alia, an explanation of when armed entry to buildings should or should not be undertaken, and to place greater emphasis on the fact that entry to buildings by armed officers, particularly where innocent parties may be present, demands great care in its planning and implementation.

9. The subject of command and control should be more clearly and fully described in the Manual.

10. Chief officers should be reminded of the importance of ensuring that the commanders of armed operations always consult a tactical adviser.

11. All forces should adopt the selection procedure detailed in the Manual.

12. In addition to careful selection initially an AFO's continued suitability for firearms duties should be assessed both continuously and annually.

13. If the system of selection and continued assessment is to be effective it is necessary for the senior firearms instructors to have access to each AFO's personal record.

14. A range of physical fitness and medical standard should be drawn up to meet the requirements of the different categories of firearms specialisations; applicants for firearms training should be required to meet the appropriate standard before qualifying for training and AFOs should be required to meet the appropriate physical standard annually after authorisation.

15. All part-time firearms instructions should be attached to their force firearms training unit as instructors for an aggregate period of not less than 4 weeks in any 2 year period.

16. A system of re-certification in shooting skills for firearms instructors should be devised and introduced as soon as it is practicable to do so.

17. The police service should monitor development in the field of judgement training systems so that suitable systems may be recommended for use in firearms training courses in all forces and chief officers should seek to provide the resources for such systems.

18. Efforts should be made to acquire and develop a tactical training facility if necessary supported by central funds.

19. Chief officers should ensure that they have a sufficient number of officers trained as tactical advisers.

20. Chief officers should ensure that a sufficient number of supervisory officers attend senior officers' tactics courses; the Manual should reflect the importance to be attached to this form of training.

21. The 5 national firearms training centres should set their fees at common rates for similar courses.

22. The Joint Standing Committee on Police Use of Firearms should consider the scope for setting standard minimum trigger pressures for inclusion in the Manual.

23. In cases where individuals are shot by police bullets chief officers should bear in mind the importance of passing forensic and medical evidence to the Home Office Scientific Research and Development Branch as early as possible.

24. Semi-jacketed, semi-wadcutter bullets with a plain edge to the copper casing should be used in preference to those with a scalloped edge.

25. Technical developments in ammunition should continue to be monitored by the Joint Standing Committee.

26. The number of AFOs in any police force should be the minimum compatible with the force's known and foreseeable operational commitments.

27. Specialist firearms teams, increased as necessary, should be given a more significant operational role; members of those teams should be on 24 hour call for firearms duties; their firearms duties should take priority over their other police work; but they should still perform other police duties when their firearms commitments permit.

29. This enhanced role for specialist teams should still be supplemented by an equitable distribution of AFOs throughout the force area.

30. The reference to an oral warning in the Guidelines should be changed to read: "If it is reasonable to do so, an oral warning is to be given before opening fire".

31. The Joint Standing Committee on Police Use of Firearms should decide whether officers should be trained in the single action mode and should advise chief officers of the agreed national policy.

32. The police service and the Home Office Scientific Research and Development Branch should continue to monitor developments in non-lethal weapons with a view to evaluating any system which might appear to be a possible alternative to conventional firearms.

33. The Home Office Working Group on Police Use of Firearms should remain in existence at least until its recommendations have been implemented. Consideration should also be given to the benefit to be gained if the Working Group, as presently constituted, were to become a permanent advisory body.

34. Her Majesty's Inspectorate of Constabulary should monitor the distribution of the AFO Manual of Guidance on Police Use of Firearms within police forces and should examine the extent to which the Manual's guidance is followed and its recommendations implemented.

35. Her Majesty's Inspectorate of Constabulary should undertake annual inspections of the national firearms training centres and of firearms training within forces. In the Metropolitan Police these should be carried out by the Force Inspectorate who should maintain close liaison with HM Inspectorate of Constabulary to ensure that lessons are learned and best practice spread.

36. Chief officers should consider building into their operational contingency plans provision for counselling if an AFO is involved in a shooting.

APPENDIX G

Summary of Conclusions of the Home Office Working Group on the Police Use of Firearms

1. There is as yet insufficient reason for us to recommend any change in the existing legislation within which armed police officers operate.

2. The existing balance and structure of guidance and instructions should be left unchanged.

3. It would be inappropriate either to incorporate parts of the Manual in the Guidelines or to issue parts as a Code of Practice under the Police and Criminal Evidence Act 1984.

4. The level of authority for the issue of firearms for particular operations should remain in the form to which it was changed in 1983.

5. Although psychometric testing can have some value in assessing aptitude, it should not, at present, be relied upon as a sole means of assessing a person's suitability for firearms training.

6. The recommended length of initial training given to AFOs, both in the initial handgun course and other specialist courses, is sufficient.

7. The present recommended arrangements for refresher training for AFOs are adequate.

8. The list of weapons recommended for police use is adequate for present purposes.

9. There is no sufficient reason to change the recommendation that the semi-jacketed, semi-wadcutter bullet is to be preferred for use in police revolvers.

10. The routine deployment of overtly armed police officers, while not a step to be taken lightly, is a matter which should remain within the operational discretion of chief officers.

APPENDIX H

Questionnaire

26 November 1992

Dear Sir or Madam

I am a Lieutenant Colonel in the police service of Taiwan (the Republic of China). I am visiting this Centre at the University of Leicester to undertake research into the police use of weapons, particularly firearms. During the last two years I have received very considerable co-operation and help from the British police service, while conducting my interviews and observations and during placements on operational duties.

During the last decade, the number of police officers murdered in Taiwan has been increasing, especially since martial law was lifted in 1987. The country has experienced a growing problem of firearms smuggling and a resultant increase in the availability and use of guns by criminals.

Of course, different countries have different approaches to policing. The British police have an international reputation for their effectiveness and efficiency and well-established practices on the use of minimal force, respect for human rights police-public relationships. Therefore, the United Kingdom was the most suitable place to come to study the use of firearms and to compare this with my own country.

I would be most grateful if you are able to spare the time to fill in the attached questionnaire and return it to me at the above address. I would also be most appreciative of any additional information you can supply.

Thank you very much for your help and co-operation

Yours faithfully

Ching-Shing Chiang

Questionnaire

Police Use of Firearms

This questionnaire forms part of the research being conducted by Lieutenant Colonel Ching-Shing Chiang of the Taiwan Police. He is undertaking a comparative study of the use of firearms and other weapons by the police of England and Wales and Taiwan.

All information you provide will be treated in the strictest confidence. Please give your answers in as full a way as possible, and feel free to add extra comments on a plain piece of paper.

Your help and co-operation is greatly appreciated. The form should be returned to the address at the end of the questionnaire.

1. What is the size of your police force?

2. Would you describe it as predominantly rural, predominantly urban, a shire county with one large city, or a mixture of suburbs, towns and countryside?

3. How many officers in your force are authorised to carry firearms?

4a. Do you think this is about the right number, too many or too few?

4b. Please give your reasons.

5a. Do you think that all British police officers should receive firearms training?

5b. Please give your reasons.

6. What type of firearms does your force have available for use?

7. Would you like to see any changes or improvements to the firearms which are available, and if so why?

8a. Do you personally believe that all police officers in England and Wales should be armed?

8b. Please give your reasons.

9. At present, what is your understanding of the circumstances in which a police officer can use a firearm?

10. What procedures must be followed before and after the use of a firearm?

11. Which laws regulate the police use of firearms in England and Wales?

12. How frequently are firearms issued to police officers in your force?

13a. What are the procedures for issuing firearms in your force?

13b. Would you like to see any changes in these procedures and if so why?

14a. Do authorised firearms officers receive sufficient training?

14b. Please explain your answer.

15. If a police officer fires his or her gun what procedures must be followed?

16a. If a police officer shoots a criminal or a third party what are the responsibilities of the officer involved?

16b. How is such a case investigated in your face?

16c. Are the injured parties, or their relatives, eligible to receive compensation?

17. On average, what is your estimate of the number of armed police officers on operational duties at any one time in your force?

18a. Does your force have armed response vehicles on patrol?

18b. How often are such vehicles in operation?

18c. What is your opinion of such vehicles?

19a. Is the murder or attempted murder of police officers a major problem in England and Wales?

19b. Do you believe the position has deteriorated over the last 10 years?

19c. Please explain your answer.

20a. If a police officer is murdered by criminals do you consider that adequate provision is made for his or her dependants?

20b. Please explain your answer.

21a. Do you believe that more criminals are carrying guns than was the case ten years ago?

21b. Please explain your answer.

22. What do you believe should be done to deter criminals from carrying guns?

23a. Should the availability of firearms in Britain be more strictly controlled?

23b. If so, how?

24. What action would you like to see taken to reduce assaults on police officers?

25. Please outline any additional weapons or equipment which you would like to see issued to British police officers on operational duties, and explain why:

26a. Do you foresee a time when all British police will be routinely armed?

26b. If 'yes', in how many years do you think this will occur?

26c. Please explain your answers to 26a and 26b:

27. If convenient would you please provide the following information:

27a. Rank: ..... 27b. Length of service: .....

27c. Force: ..... 27d. Present responsibilities: .....

27e. Are you an authorised firearms officer?

27f. Have you ever fired your gun during an operation?

28. Are there any further comments or information which you would like to add?

Thank you very much for completing this questionnaire

Please return it to: Ching-Shing Chiang, CSPO, University of Leicester, 6 Salisbury Road, Leicester, LE1 7QR. Fax: 0533-523944.

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