

THE USE OF POLICE FIREARMS IN DENMARK

Main findings of a multidisciplinary analysis of Danish police officers' use of firearms 1996-2006 with focus on the period 2002-2006. Comparative statistics from Finland, Norway, Sweden, England, the Netherlands and Germany are included.

Introduction

During 2006 four people were shot and killed by Danish police officers in four different incidents. It is far from every year that Danish police officers in the line of duty are caught up in a situation ending with the shooting and killing of a civilian. In the period 1996-2006 a total of 11 civilians were shot and killed by Danish police officers.

As a direct result of the sad development in 2006, the National Commissioner of Police appointed a multidisciplinary analysis group in May 2007 to review the situation. The group consisted of 14 experts with a wide range of expertise covering aspects of police tactics and police training, psychology, sociology, anthropology, medical forensics as well as law and jurisprudence¹. It was tasked to collect all available information regarding Danish police officers' use of firearms over the past 10 years and to analyse all aspects of these incidents with a view to extracting knowledge to be used proactively in future police operations and police training.

The final report was published in Danish on 22 November 2007 and is available at the official website of the Danish police www.politi.dk. This article is an extended summary of the main findings and results of the report.

Terms of reference

The basis of the report is a quantitative study of the general development of Danish police officers' use of firearms (all types of police firearms) from 1996 to 2006. A total of 2725 such incidents have been reported. Furthermore it is based on a quantitative analysis of a random sample of 345 reported incidents of police officers' use (threatening or firing warning shots) of their *pistols* selected from the period 2002-2006 (some 25 percent), and on a qualitative analysis of all incidents from 2002 to 2006 (a total of 23) where police officers fired their pistols, wounding or killing a person.

Basic information about Denmark and the Danish Police

Denmark covers an area of 43,000 sq km. The population is 5,468,120 (July 2007), about 1.8 million of whom live in the Copenhagen metropolitan area. The police in Denmark constitute one national police service, employed directly by the state. Denmark is divided into 12 police districts. The national police cover a number of principal departments, several of which have operational functions and provide assistance to the police districts. Denmark has some 11,000 police officers.

¹ Members of the Group were: Psychologist, Kristina Kepinska Jakobsen, Sociologist Anne-Stina Sørensen and Anthropologist Camilla Kvist from the Knowledge and Research Centre at the Danish Police College, Chief Psychologist Bjarne Frøslee Ibsen, Psychology Department of the National Danish Police, Anthropologist, PhD and Senior Lecturer Lars Holmberg, Copenhagen University, Deputy Director Lars Stevnsborg, General Directorate of Public Prosecution, Deputy Chief Forensic Pathologist Peter Thiis Knudsen, University of Southern Denmark, Institute of Forensic Medicine, Superintendent Claus Hjelm Olsen, Copenhagen Police, Superintendent Preben Juul Nielsen, National Police, Department for Logistics, Superintendent Søren Styrk Larsen, National Danish Police College, Chief Superintendent Flemming Drejer, Bornholm Police, Chief Superintendent Hans Corfitsen, National Police, Section for Operational Development, Police Inspector Claus Hartmann and Police Adviser Flemming Olsen, Danish Police Federation and Superintendent Frode Z. Olsen, Head of Knowledge and Research Centre at the Danish Police College (Chairman of the group).

Danish police officers are recruited from the age of 21. Basic police training consists of 4 modules with a total duration of approximately 3 years. Basic course I and III are mainly theoretical modules, each of which has a duration of 8 months, which candidates complete at the national police college. Basic course II and IV are mainly practical training. Basic course II lasts 12-18 months, during which the candidates do “on the job training” in a police district under the supervision of more experienced police officers. Basic course IV lasts 5 months; the officers are trained in tactical support units e.g. handling dangerous situations, public disorder etc.

Since 1965 all Danish police officers are trained in, equipped with and must carry a personal police pistol when performing their duties. Until the year 2000 the Danish police used Walther PPK 7.65 mm as the standard pistol, and then the Heckler and Koch 9 mm was introduced. The Heckler and Koch is loaded with hollow-point RUAG Action 3 rounds. Danish police officers are also equipped with a short truncheon, a set of handcuffs and (from 2008) a pepper spray. The Danish police also have semi-automatic Heckler and Koch submachine guns at their disposal. These are available for riot squads or special or high-risk situations as well as other specialized firearms. These weapons are seldom fired, and are thus not a part of the present study and analysis.

The regulations governing Danish police officer’s use of force (including firearms) is contained in the Danish *Act on Police Activities*, which came into force 1 August 2004. The central regulations regarding firearms are to be found in sections 16 and 17:

16. (1) The police may use force only if necessary and justified and only by such means and to such extent as are reasonable relative to the interest which the police seek to protect. Any assessment of the justifiability of such force must also take into account whether the use of force involves any risk of bodily harm to third parties.

(2) Force must be used as considerately as possible under the circumstances and so as to minimise any bodily harm.

17. (1) Firearms may only be used:

(i) to avert an on-going or imminent dangerous assault on a person;

(ii) to avert other imminent danger to the lives of persons or of such persons incurring grievous bodily harm [...]

(iv) to secure the apprehension of persons who have or are suspected on reasonable grounds of having commenced or committed a dangerous assault on another person unless the risk that such persons will commit another such assault is deemed not to exist;

(2) Before the police fire shots involving a risk of harm to a person, the person must be informed in so far as possible, first by shouted warnings and then by warning shots, that the police intend to fire if police orders are not observed. It must also be ensured, in so far as possible, that the person is able to observe the order.

(3) In case of an obvious risk of hitting third parties, shots may only be fired as a last resort [...]

(5) If police shooting has caused harm to a person, the person must immediately be examined by a doctor.

Danish police officers are obliged to report any use of firearms to their superiors by filling out a special form including facts and circumstances of the course of events and reason for acting. “Use of a firearm” includes firing a warning shot or a shot aimed at someone as well as drawing the pistol and threatening someone with the purpose of ensuring that a given order is followed. All reports are examined by the Commissioner in the respective police district. When someone has been wounded or killed by a police officer, the incident is investigated by a special branch of the Director of Public Prosecution’s department.

How often is the police weapon used?

Since 1996 Danish police officers have reported the use of firearms in between 196 and 305 incidents per year. The total number of reports in the period is 2725. On average, shots have been fired in 6 percent of the incidents, including warnings shots. There is no clear trend (neither upwards nor downwards) in the development.

Table 1: Police officers' use of firearms in Denmark 1996-2006 (All types of weapons including CS-gas)

Year	Total number of reports regarding use of police firearms	Total number of reports where shots have been fired (warning shots incl.)
1996	222	15
1997	276	18
1998	196	7
1999	216	10
2000	234	11
2001	242	22
2002	269	17
2003	305	10
2004	269	18
2005	243	15
2006	253	20
Total	2725	163

40 persons were wounded and 11 persons were killed in the period. Between 2 and 7 people are wounded each year, whereas only 4 separate years of the 11-year period show incidents with fatalities. 2006 was different from all the other years in that 7 persons were wounded and 4 persons were killed. Since no increase is indicated in the previous years, the situation in 2006 can most likely be seen as a result of unfortunate coincidence. The total numbers of police officers reporting the use of firearms in 2006 were at the same level as in 1985.

Table 2: Number of reports 1996-2006, where Danish police officers have fired shots aimed at civilians, including number of wounded and killed persons. (All types of weapons including CS-gas)

Year	Total number of reports of shots aimed at civilians ²	Total number of persons hit	Wounded	Killed
1996	7	7	6	1
1997	7	3	3	0
1998	4	4	4	0
1999	5	3	3	0
2000	3	3	3	0
2001	12	7	4	3
2002	7	5	3	2
2003	3	3	2	1
2004	4	3	3	0
2005	2	2	2	0
2006	11	11	7	4
Total	66	51	40	11

When comparing the situation in Denmark from 1996 to 2006 with the neighbouring countries, it can be seen that Denmark has a higher rate of wounded and killed per one million inhabitants

² The number includes shots at car tyres where there is no clear indication that the shot was aimed at the tyres only

than Norway, Finland, Sweden, Germany and England/Wales. Only the Netherlands has a higher rate of wounded persons. Consideration, though, must be given to the fact that the police in England/Wales and Norway are generally unarmed; that all numbers are quite low, and that one incident more or one incident less influences the statistics significantly, particularly in countries with relatively small populations.

Table 3: Average and total (in brackets) number of civilians wounded and killed by police officers annually, 1996-2006

	Wounded per year	Killed per year	Wounded per 1 million inhabitants	Killed per 1 million inhabitants	Total population (year 2000)
Denmark	3,45 (38)	1,00 (11)	0,647	0,187	5,330,020
Sweden	5,00 (55)	1,18 (13)	0,564	0,133	8,861,426
Norway ³	1,00 (11)	0,27 (3)	0,223	0,060	4,478,497
Finland	1,45 (16)	0,18 (2)	0,280	0,034	5,171,302
Germany	30,00 (330)	7,36 (81)	0,365	0,089	82,163,475
The Netherlands	11,63 (128)	2,18 (24)	0,733	0,137	15,863,950
England/Wales	2,56 (28)	2,27 (25)	0,048	0,042	52,943,300

No direct correlation has been determined, as a result of the study, between the police use of firearms and reported violence in society as such or a decreasing respect for public authorities. However, an indirect connection with changes in the health care of mentally ill persons can not be excluded (elaborated below).

Situations where police officers draw their pistols occur at all times of the day (26 percent between 07:00 and 15:00, 40 percent between 15:00 and 23:00 and 32 percent between 23:00 and 07:00). The picture is somewhat different when shots are fired (30 percent between 07:00 and 15:00, 52 percent between 15:00 and 23:00 and 17 percent between 23:00 and 07:00). The risk of shots being fired is slightly higher during the day and evening and lowest from 05:00-09:00. Between 34 and 39 percent of all incidents take place in-doors; 20 percent occur when it is dark. The incidents take place in large city areas (43-50 percent) as well as in towns (22-35 percent) and villages (10-17 percent).

No particular day of the week or month over the year has shown any significant increase or decrease in the number of reports.

Planned police operations seem to minimize the risk of firearms being used by police officers. Such operations encompass 27 percent of all incidents, however only 9 percent of incidents where shots were fired. The major number of all incidents where shots are fired occur in situations where a complaint has been reported (typically by phone) or in situations where police officers on patrol act directly in a suspicious situation. Somewhat more than 50 percent of all incidents where police officers fire their pistols happen in situations where two officers in one patrol car from the local police station are present. They are most often confronted by an ethnic Danish male in his twenties or thirties. No preponderance of police officers with a relatively short police career (less than 5 years of service) has been observed among police officers firing their pistols.⁴

In most situations, information that the suspect may be dangerous is available beforehand. In situations where police officers fire at a suspect, he is typically regarded as dangerous due to his (violent) behaviour, the influence of drugs or alcohol, mental illness, unbalance, or suicide

³ Included in the 11 wounded persons are two situations where it is unclear whether the person was wounded as a result of fleeing

⁴ The available data did not allow any other distinction between police officers.

threats. There are indications that 16 out of the 23 persons hit by police bullets were mentally ill, and that 2 out of 3 were under the influence of drugs, medicine or alcohol when they were shot. Often police officers tried other means of force before using their pistols. Based on reports submitted by police officers from 1996 to 2006, a slight decrease can be noted with respect to whether the suspects are armed, particularly with firearms. However, the numbers of police officers who are threatened or attacked with weapons are, with some fluctuation, relatively stable over the period. In the 23 shooting incidents examined, 14 suspects were armed, predominantly with stabbing weapons. 9 suspects threatened or attacked police officers physically in person or by driving a car at them or a third party.

When police officers draw their pistols, it is typically related to reported assaults, illegal possession of arms and robberies. More often, however, when they *fire* their pistols, it is in situations concerning domestic violence, pursuit of cars and attempt at suicide – particularly situations involving mentally ill persons and pursuit of cars involve a remarkably higher risk that the situation will lead to a police officer firing his or her pistol.

In one out of three incidents reported where police officers have used their pistols as a threat, they had already drawn the weapon upon arrival at the location; however, in one out of six situations where police officers have *fired* their pistols, the pistols were drawn upon arrival. In one out of four situations, where the police pistol is fired, it happens at least 15 minutes or more after the arrival of the police officers. The typical reason for drawing the pistol is precaution, imminent dangerous attack, apprehension of a dangerous fleeing suspect, or, particularly when shots are fired, dangerous attack on a police officer. Typically 1-2 shots are fired at a distance of 1-5 metres. Mostly 1-2 police officers are involved (42 percent when a police pistol is drawn, 57 percent when it is fired).

Police bullets mostly hit arms and legs; the bullet continues through the body part in approximately 50 percent of all incidents. No third party has been hit by a police bullet since the introduction of the Action 3 round.

From 1996 to 2006, 6 individual police officers in four separate incidents have been indicted of violation of the Criminal Code (serious bodily harm) in a context where they fired their police pistol and hit a person. In all cases the police officers were acquitted. However, one case is still pending as it was appealed to a higher court.

The analysis of the data related to the overall course of events leading to 23 single incidents where police officers fired their pistols and hit persons indicates that the officers “followed the book” in the sense that the formal legal rules and administrative regulations were observed. On the other hand, seen in a narrow context as well as a broad social context, the analysis also shows that there is a potential for improvement with regard to the development and adjustment of operational police tactics and concepts related to potentially dangerous situations, as well as police training in such situations. Of particular interest is the optimal use of time as an active means of avoiding an incident leading to a situation where police officers have to use their weapons. The ability of police officers to “read” mentally unstable persons as well as people under the influence of drugs also seems to be an area calling for improvement in order to ensure an adequate police response to such people.

Awareness and planning of a potentially dangerous situation, on the part of the tactical leader as well as the police officers given the task, can be improved. That can also be said with regard to the collection of relevant tactical and personal information in a concrete situation from all sources with a proactive view to improving the police officers’ possibility of maintaining control over a dangerous situation. Such preventative measures reduce the risk that the behaviour of the suspect determines all action, thus forcing police officers to use ultimate self-defence.

The multidisciplinary analysis draws a picture of five “typical” situations of which four are *unplanned*: Arrest of a mentally ill and/or intoxicated person on private premises; arrest of a mentally ill and/or intoxicated person in public areas; the pursuit of a suspect in a car; and arrest of a person in connection with domestic violence. Additional to these four situations is the *planned* arrest of a suspect on private premises. Correspondingly, the analysis also draws a picture of the suspect or opponent of police officers in shooting incidents, ranging from persons who are marginalised in society, the mentally ill, or persons undergoing a personal crisis to young men on the edge of the criminal environment.

The analysis indicates insufficient common approach and management in the performance of practical police tasks. It also indicates that solving routine tasks to a certain extent is based on a “silent praxis” among police officers, which tends to predispose the solving of a task with an undesired facet of chance or coincidence, which again may have critical consequences when a routine task turns into a dangerous situation. At the strategic and managerial level there is a need for extended senior police focus and responsibility to ensure that all police regulations and rules, strategies, operational objectives and plans as well as training are clearly defined, up to-date and tried and tested with regard to all aspects of police operations in conflict situations where the use of force and particularly police weapons is a possibility.

A number of shooting incidents develop very quickly, leaving the impression that police officers fail to see withdrawing as an active (and acceptable) act of conduct. It is also characteristic that when police officers fire their pistols, it is in sudden situations accompanied by a considerable level of stress. That is particularly the case when police officers are confronted with irrational persons (including psychotics), who due to mental illness or drug abuse are difficult to “read”, and where traditional police tactics and methods fall short.

Seen in a theoretical perspective,⁵ one of the important tasks of any police service is to control public behaviour. However, this control is determined by certain paradoxes; “the paradoxes of power”. The police officer can make a citizen obey his or her instructions, if necessary under threat of use of force, ultimately using firearms. The paradox-situation appears when in a concrete situation the citizen does not understand the instructions given by a police officer, or if the citizen will not accept the instructions.

The Act on Police Activities authorises under certain circumstances, Danish police officers to use firearms, cf. above. The detailed regulations of “when and how” appear equivalent in all important areas to corresponding legislation in the neighbouring countries examined. Any use of police firearms must alone take place in dangerous situations as a last resort, and only if it is justifiable and necessary and only if all other means of a less intervening nature are regarded as insufficient.

Training of Danish police officers in the use of police force seems, with regard to content and duration, to be at the same level of corresponding police training in neighbouring countries. Sufficient technical skills in shooting and using police firearms have a high priority, but also subjects such as communicative skills and the handling of aggression and stress are included in the training. Still, there is potential for improvement by changing a rather subject-oriented basic police training approach into a more multidisciplinary one (e.g. by conducting lessons which involve experienced police trainers and psychologists at the same time) in subjects such as the evaluation and handling of potentially dangerous conflicts. Further training of police officers also seems to be required to better prepare them to understand and “read” persons who can be expected to react irrationally and to use all available means and methods (including the time

⁵ E.g. William J. Muir.

factor) before turning to firearms (e.g. inspired by the German “Shoot/Do not Shoot concept” and the English “Stop and Think concept”).

Additional promotion of knowledge regarding one’s own behaviour and reactions in combination with stress is another important area of improvement.

It is an overall goal and objective in the training of Danish police officers that, on their own or in cooperation with other police officers, they are able to perform all relevant police duties independently and with good judgment. In practice this means that Danish police officers to a large extent are expected to be able to handle most daily challenges without constantly referring their decisions to their superiors. The multidisciplinary analysis group responsible for the report recognizes this as an important strength and necessity.

The in-service-training with regard to police tactics and methods in handling potentially dangerous situations needs more attention. In particular, closer cooperation and coordination between the 12 police districts and the national police college is needed to develop and maintain the in-service-training and to ensure common standards and concepts dealing with dangerous persons and solving dangerous situations.

To support future collection of information on available knowledge and experience, a revision of the present reporting form relating to the individual use of police weapons is needed. In particular there is a lack of sufficient detailed information regarding the incident, its cause, character and the course of events as well as information about the individuals involved, police officers and their opponents.

Furthermore, it is recommended that a mandatory and systematic evaluation process and debriefing is introduced in all situations where police officers have fired their weapons causing either wounding or death or where this was a close risk. A longer multidisciplinary research (e.g. with a duration of 3-5 years) is also recommended, potentially as part of an international project, – with a view to accomplishing a more thorough study of all the factors leading to the police use of firearms.

The recommendations set out in the report were approved by the National Commissioner. Three working groups have been appointed to ensure that the recommendations are implemented.

Frode Z. Olsen
Copenhagen, 2008