

BEHIND the headlines

Jude McCulloch

How does the media portray fatal shootings by police?

A remarkable feature of policing in Victoria has been an extraordinary number of fatal shootings by police. Between 1984 and 1995 Victoria Police shot and killed nearly twice as many people as all other police forces in Australia combined. Over these 11 years there were 32 police shooting fatalities in Victoria compared to 17 in New South Wales, 6 in Queensland, and a total of 11 in other States and Territories (*Age*, 15 November 1995, p.6).

One of the many contentious issues arising out of these shootings is the role of the media. The families of some of those shot claim that police influence led to media misrepresentation of the circumstances of the shootings and vilification of their relatives.¹ Police, on the other hand, claim the media unfairly criticise them and that the laws of *sub judice* prevent them from responding.²

This article examines how two Melbourne newspapers, the quality/broadsheet *Age*, and the tabloid *Sun* (later the *Sun Herald*) dealt with the fatal police shooting of Graeme Jensen. It focuses in particular on how the newspapers constructed the identity of the deceased. The reports demonstrate the media's tendency to adopt definitions of situations and events articulated by those in legitimate institutional positions. Through their media unit and spokespersons, police, as the 'authorised knowers' in relation to crime, were able to represent the deceased as a dangerous criminal and moral 'outsider'. This served police interests by supporting the identity of police as moral heroes and detracting attention from questions about the necessity and lawfulness of the shooting.

The events

On 11 October 1988 Graeme Jensen was shot and killed by members of the Armed Robbery Squad in a carpark in one of Melbourne's outer suburbs. Graeme Jensen was 33 years old and living in a *de facto* relationship when he was killed. He was close to his extended family of siblings, nieces and nephews. He had extensive prior convictions for armed robbery and other offences dating back to the age of 12. At age 14 he was made a ward of the state and subsequently spent many years in prison. Seventeen months before his death he was released from a nine-year prison term.

Immediately before being shot Graeme Jensen drove to a shopping centre and purchased a spark plug for a lawn mower. Confronted in the centre's car park by eight plain clothes police, he tried to drive away, and allegedly brandished a firearm. Two detectives fired at him seven times as he drove off. He died almost instantly of a shotgun pellet wound to the back of the head.

Police maintain they wanted to question Graeme Jensen in relation to an armed robbery of an Armaguard van in Brunswick, committed three months earlier. In the three months between the robbery and the shooting, police were not hunting for Graeme Jensen and there was no suggestion that he was hiding out. During the robbery a guard was shot

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and killed. His killer was wounded and left a trail of blood at the scene of the crime. A blood sample taken from Graeme Jensen's body was found not to match the blood found at the scene. Police subsequently admitted they were mistaken about his involvement in the robbery.

Thirteen hours after Graeme Jensen was killed, constables Steven Tynan and Damien Eyre were shot and killed in the inner city suburb of South Yarra in what have become known as the Walsh Street shootings. Police believe these murders were a 'pay back' for the Armed Robbery Squad killing the day before. Subsequently, many house raids were carried out by investigating police. Many of these raids took place in Flemington, another inner suburb of Melbourne, where many of Graeme Jensen's friends and relatives lived. Police were accused of using excessive and gratuitous violence in these raids (*Herald*, 8 May 1989). Within five months police had shot and killed two associates of Graeme Jensen, Jedd Houghton and Gary Abdallah, leading to the suspicion that 'revenge had overcome reason' within the police force.³ Mounting public pressure led the Coroner to conduct a special series of inquests into seven fatal police shootings, including Graeme Jensen's (*Age*, 28 April 1989, p.3). The inquests began in July 1989 and continued until October 1991. In the meantime, four associates of Graeme Jensen were charged with the Walsh Street killings. All four were found not guilty by a Supreme Court jury in March 1991.

In 1993 the (then) Director of Public Prosecutions, Bernard Bongiorno, QC, announced a range of charges, including murder, against 11 former and serving police officers. Included on the list of those facing murder charges were the eight Armed Robbery Squad members at the scene of Graeme Jensen's shooting. A Homicide Squad detective accused of being involved in a cover up subsequent to Graeme Jensen's death was charged with being an accessory after the fact; this detective later committed suicide leaving a note citing the charge against him as the motivating factor (*Sunday Age*, 13 August 1995). Bernard Bongiorno subsequently resigned. His replacement, Geoff Flatman, QC, dropped the charges against seven of the Armed Robbery Squad members, leaving only the detective who fired the fatal shot to be tried. The detective was eventually tried in the Supreme Court, nearly seven years after Graeme Jensen's death. He was found not guilty by a jury on 9 August 1995.

The war on crime

Since the mid 1980s war has become the most frequently used metaphor in crime reporting.⁴ In the 'war on crime' battles are fought and won or lost against 'criminals' who are spoken of as the 'enemy'. The notion of policing as war has implications for the way killings by police are reported and the way police perceive their role in society. The object of war, whatever its motivation, is to kill the enemy; the task of a soldier engaged in war is to kill or injure the enemy. In war there is no question or controversy surrounding the issue of killing *per se*, the only issue is whether those killed are enemies.

That the media so frequently depict police as soldiers engaged in the war creates a context in which the coverage of a police shooting will tend to concentrate on establishing whether the deceased was an enemy, rather than the circumstances of the shooting. The focus on 'who' rather than 'how' was graphically illustrated by the *Sun's* front page **Wrong Man** headline after New South Wales police shot and killed David Gundy, during a raid on his home (28 April 1989). The

headline emphasised that police shot someone other than the man they were seeking not that they shot an unarmed man in his own home. The headline implies that there are people who it is 'right' for police to shoot.

The press reports

Much of what was written in the newspapers about Graeme Jensen and the circumstances of his death was inaccurate or contentious.⁵ The focus here, however, is not what was true or false but how Graeme Jensen's identity was constructed, by whom, and to what effect: '[a]nalytically, the concern is not whether news as knowledge is true or false, but how it enters into power relations and serves to legitimate or undermine those relations'.⁶

The thrust of the reports in both newspapers was similar. Each focused on Graeme Jensen's criminal convictions, the police assertion that he had been involved in an armed robbery and murder, and his alleged propensity for violence. The *Sun*, however, placed more emphasis on the deceased's alleged criminal character, employed more graphic language and used quotes from unnamed police sources.

The official Graeme Jensen

The morning after the shooting, the *Sun's* front page story, under the headline **Bandit Dies in Police Trap**, began, 'A man wanted for the brutal killing of a security guard three months ago was shot dead when cornered by police yesterday'. The third and fourth paragraphs stated that:

Jensen, 33, was wanted by police for the murder of Armaguard security van officer Dominik Hefti on July 11. He was also wanted for a string of violent armed robberies around Melbourne over the past year.

The article, continuing on page two under the headline, **Guard gang bandit shot dead**, described Jensen as an 'extremely violent' criminal who had a number of prior convictions for armed robberies: 'He was a very, very violent man who had done a number of years [in prison]'. 'Detectives' were the source of the quotes. The story concluded:

In an armed robbery three months ago, Armaguard security officer Dominik Hefti, 36, was shot in the chest and leg as he struggled with a gunman. The gunman took a cashbox containing about \$35,000 and made his getaway with at least one other bandit. Jensen was the fourth criminal to be shot dead by police this year.

The *Sun* story also contained information about the circumstances of the shooting (largely inaccurate). However, the headlines and lead and concluding paragraphs demonstrated its emphasis on *who* rather than *how*.

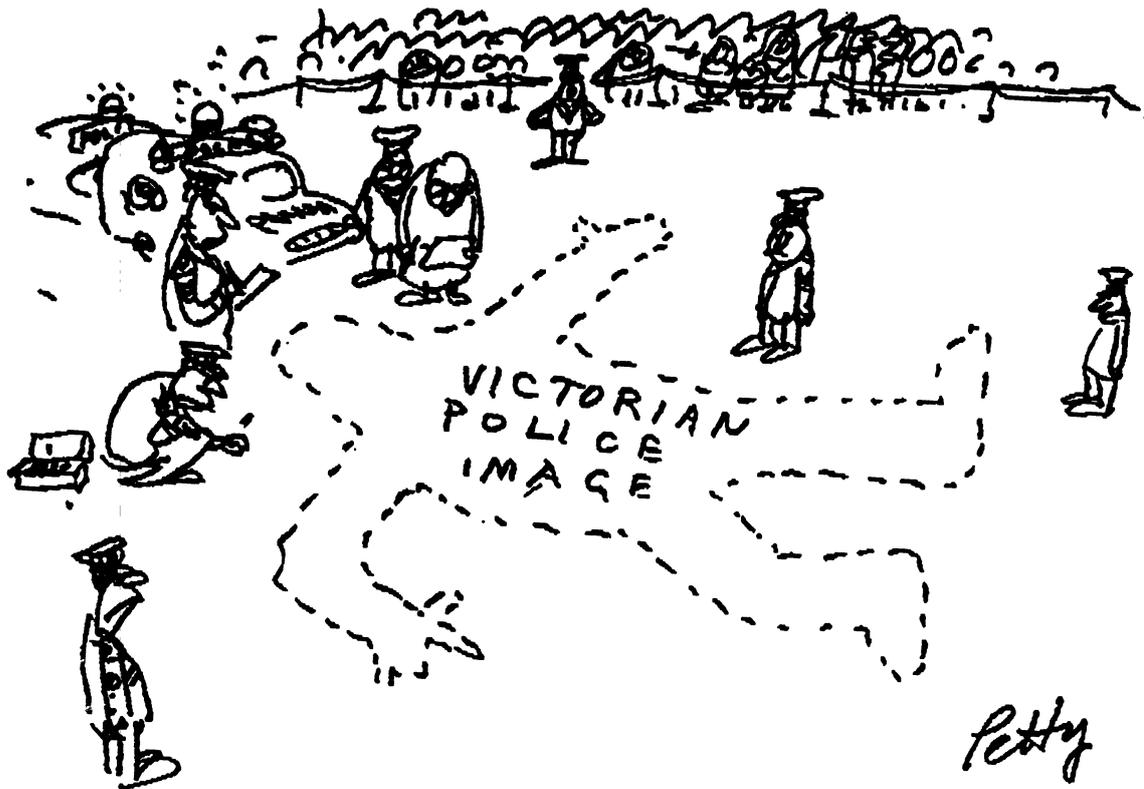
The following day, reporting on the killing of constables Tynan and Eyre, the *Sun* reinforced their initial description of Graeme Jensen by referring to him as a 'bandit', an 'extremely violent criminal', an 'armed bandit', and as 'ruthless and amongst the most dangerous criminals in Australia' (13 October 1988, pp.1, 2, 3).

The morning after the shooting, the *Age* ran a front page story under the headline **Police shoot murder suspect dead**. It began:

Police shot and killed a man yesterday after he attempted to run down two detectives outside a Narre Warren shopping centre. The man was wanted for questioning about the murder of a security guard at Brunswick in July.

The article mentions twice that Graeme Jensen had convictions for armed robbery and included details of the

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Brunswick robbery and the police assertion that he was responsible. It also stated that, '... Jensen was well known to police ... He was released from jail last year on early release after serving seven years of a nine year sentence for bank robbery in 1981'. The following day, reporting on the killing of the two constables, the *Age* described Graeme Jensen as a 'convicted bank robber' and the next day as a 'suspected murderer' (13 October 1988, p.1, 14 October 1988, p.1).

The official biography

The police, as the main source of comment about the shooting and custodians of 'the official biography', have the ability to construct identity by emphasising selected details. The way certain aspects of behaviour are selected in the construction of identity is illustrated by the way the reports of Graeme Jensen's killing placed great emphasis on his convictions for armed robbery of at least seven years earlier, but mention only in passing that immediately before the shooting he was preparing to mow the lawn by purchasing a spark plug at the local shops. The *Sun's* front page story the morning after the shooting did not mention, until the eleventh paragraph on page three, that Graeme Jensen was on a shopping trip when he was shot. The headline and accompanying story created the false impression that Graeme Jensen was shot while committing a robbery. The *Age* mentioned the spark plug purchase in the second paragraph but only after declaring that Graeme Jensen was a convicted armed robber and wanted for questioning about a murder. The headlines accompanying these stories would be totally different in tone if Graeme Jensen was described as a shopper rather than as a bandit or murder suspect: **Shopper shot in police trap — Police shoot shopper dead.**

The way the reports in the *Sun* described Graeme Jensen as a criminal, rather than as a *person* with prior criminal convictions, suggests there is a category of people, separate from the rest of 'normal' society, that can be known and

understood simply by reference to the label 'criminal'. The idea that this category of people is separate from the rest of 'normal' society was strengthened by the way Graeme Jensen's criminal record and the police allegations about his involvement in crimes were presented as virtually his total biography, suggesting that there was no aspect of his character that could not be explained by the label criminal or by reference to a criminal history. Neither newspaper provided information about why Graeme Jensen might have engaged in criminal behaviour or even suggested that there might have been a reason. This created the impression that he was innately criminal. As Foucault observed, the official biography 'establishes the "criminal" as existing before the crime and even outside of it ... the delinquent is a biographical unity, a kernel of danger, representing a type of anomaly'.⁷

Graeme Jensen, as represented in the press reports, was not a man with hopes and fears, family and friends, a human being in the process of constant psychic development within a social structure, but simply, and once and for all, a 'criminal', outsider and enemy.

Born bad

The idea that there is a category of people who are 'criminals' by nature is consistent with the theories of those who maintain that criminal behaviour results from biology. 'Criminals', according to this theory, are born not made. To argue that people are determined in their behaviour suggests that they have no choice and are thus amoral. The press reports, however, suggested that Graeme Jensen was 'bad' and thus immoral. The depiction of Graeme Jensen as 'born bad' contains within it two theories that are logically in opposition: people are biologically determined and people act voluntarily according to moral choices.

An example of the conglomeration of these theories is contained in a police officer's letter, published in the *Sun* after the Walsh Street killings. It argued that:

In the view of the Civil Libertarian, the criminal is a victim of circumstances, of society itself. He is not seen as the greedy, violent, insatiable monster that he is, both a parasite and tormentor of ordinary citizens (15 October 1988, p.4).

'Monster' and 'parasite' suggest creatures outside the human community and which therefore have no capacity to make moral choices; 'greedy' and 'tormentor' suggest humans making moral choices.

That the press represent criminality as a product of biology, moral choice or both is consistent with the media's tendency to look to individuals rather than social structures as explanations for social problems.⁸

An alternative Graeme Jensen

Fay Spear, Graeme Jensen's sister, challenged the press portrait of her brother in a book about police shootings. She wrote:

Graeme was no angel, but he certainly wasn't the piece of scum or a danger to society that some police will have you believe. Graeme was always ready to help people out, he was honest and straightforward and many people loved and respected him. He was a thief not a gangster, and there is a big difference.⁹

Fay Spear's description of her brother is inconsistent with notions of a homogeneous group of people that can be understood by reference to the criminal label.

Graeme Jensen, the man beyond the criminal stereotype, appeared only fleetingly in the press. Two days after the shooting the *Sun* ran a page six story under the headline, **Shot man was going straight, says girlfriend**. Graeme Jensen's *de facto* wife, Sandra Faure, said he:

had 'gone straight' since he was released from jail about 18 months ago . . . he had moved in with her and her two children . . . and did not deserve to be killed . . . Sandra Faure continues, 'I know he had been a criminal but he shouldn't have died the way he did. OK, he did a lot of years in jail because he did something wrong, but he paid for it.

The story continued:

Mrs Faure said Jensen got his first driver's licence only two weeks ago and was to start a new job as a butcher in a fortnights time . . . 'He was a very quiet person, He never talked much. He was a thinker'.

Graeme Jensen's sister was also quoted:

I want the family of Mr Hefti to know that whoever killed him is still walking the streets free. We know Graeme didn't do it.

Here we get a glimpse of a different Graeme Jensen: a man who had committed crimes but was not a criminal — he was 'going straight' — a man with a distinctive personality — 'he was a very quiet person', 'a thinker': a man with plans for the future — he was to start a job as a butcher. This alternative, 'unofficial', Graeme Jensen is 'balanced' in the story by the recounting of his criminal record in the last two paragraphs. In addition, Sandra Faure's credibility was undermined by her description as the estranged wife of 'Keith Faure, who is in Pentridge waiting trial on a murder charge ...'

On the same page another story **United in their sorrow**, reproduced some of the death notices placed in the *Sun* in memory of Graeme Jensen:

A niece, Natalie, said she was still asking herself 'why' and wondered what she would do without him. 'All I can say is that you were the best thing in the world to me', she wrote. A nephew, Mark wrote 'You were more than an uncle to me, you were my best friend'.

However, the sympathy the notices might have invoked was diminished by the tone of the report. Fay Spear's statement that he 'died unnecessarily' was described as 'bitter' and another person who placed a notice was described as 'the mother of a well-known crime boss ...' Moreover, the opening paragraph described the deceased as a 'wanted criminal' and the closing paragraph stated '[h]e was wanted for questioning over the murder of a security guard ... and several armed robberies'.

The 'official' portrait of Graeme Jensen was reasserted by another story on the same page, **Gunman's ID test — US labs to check on blood**. The article stated that:

Police will send blood samples to the United States for genetic testing in a bid to confirm that the bandit police shot dead ... was responsible for a murder three months ago ... Detectives are confident that they will prove identical to blood left at the scene of a robbery.

The confidence this article engendered about Graeme Jensen's guilt cancelled out the claim, made on the same page by Fay Spear and Sandra Faure, that he was 'going straight'.

Every time it was suggested that Graeme Jensen had positive features and was loved by those who knew him, any sympathy that was likely to be provoked was undermined by a negative description of his friends and relatives or a recounting of the 'official' Graeme Jensen. Additionally, the police version of Graeme Jensen was adopted by journalists and sub-editors in their descriptions of him giving the 'official' biography the appearance of objective truth, whereas comments about Graeme Jensen by his family were attributed to them.

Mixing with the enemy

The reports depicted Graeme Jensen's 'criminality' as contaminating. Those associated with him were portrayed as suspicious. Even a member of parliament found it necessary to publicly defend his association with the Jensen family. Under the headline **MP defends his presence at criminal's funeral**, the *Sunday Age* reported, 'A government MP this week defended his decision to attend the funeral of a convicted armed robber ...' The story included details about Graeme Jensen's criminal convictions and the police suspicion that he was involved in an armed robbery and murder (8 April 1990).

In the aftermath of the Walsh Street killings police conducted dozens of raids; many involved Graeme Jensen's friends and family. The newspapers repeatedly described those raided as 'criminals'. A front page story in the *Sun* stated that, 'More than 60 raids of known criminal haunts ... have failed to find the killers'. On page four the story continued:

Detectives said a number of criminals had complained about the way raids had been conducted but the detectives were unsympathetic. 'If you are prepared to run with crooks you have to accept what goes with a crook and if it's having your door towed away, so be it,' a senior detective said. [17 October 1988]

The *Age* reported that, 'raids and interviews with criminals have continued in the hope that pressure on the underworld will persuade somebody to talk to police' (15 October 1988, p.1).

Graeme Jensen's sister, Fay Spear, who has no criminal convictions, described feeling as though she was being treated like a criminal after her brother was killed:

In my case, the first raid was the day after my brother's funeral. My sister and I woke to find the bed surrounded by men, one at the end of my bed with a gun pointed straight at my head . . . I feel that I am being treated like a dangerous criminal even though I have done nothing wrong.¹⁰

The categorisation of Graeme Jensen's family and friends as criminal contributed to the picture of him as outside society.

Police as victims of Graeme Jensen's shooting

The categorisation of Graeme Jensen as a 'criminal' made it easy to portray the police who shot him as 'victims'. Crime writing generally relies on the play between opposites for dramatic structure with criminals and victims portrayed as mutually exclusive categories. Graeme Jensen the 'criminal' could not, within a conventional crime story framework, be simultaneously represented as a victim *and* someone with criminal convictions.

The *Sun* did portray the police as victims of Graeme Jensen's shooting. Under the headline, **Robbery squad feeling the strain**, it reported that:

The armed robbery squad is feeling the strain . . . Squad members are distraught at the theory that they may have provoked the deaths of young constables Damian Eyre and Steven Tynan by shooting dead armed bandit Graeme Jensen. The tension on the squad is enormous at the moment. [17 October, p.4]

Police press release

That the focus on Graeme Jensen's character in the press was a reflection of police perspectives is obvious, not only from the dominance of comments from police, but also from the police media release that was issued within two hours of the shooting. The media release described Graeme Jensen as, 'a man wanted for questioning over armed robberies'. Sketchy and inaccurate details of the shooting follow in two brief paragraphs. An update of the media release added that:

. . . the deceased male . . . was known to police . . . He was wanted in relation to the fatal shooting of an Armaguard Security officer during an armed hold up in Brunswick on 11/7/88.

The only detail about the shooting included in this update is the statement that, 'A sawn-off weapon was found in the car between the deceased man's legs' (Police Media Liaison, Bureau 11 October 1988).

Police interests

The press focus on Graeme Jensen's character assisted in maintaining police legitimacy in a number of ways. The focus on 'who' rather than 'how' deflected attention away from the necessity and legality of the shootings. The depiction of Graeme Jensen as a 'criminal' outside of mainstream society and his placement outside of conventional behaviour 'allow[ed] for a distancing of the coverage from any analysis of 'normal policing', and for the avoidance of any critical comments about police behaviour in general'.¹¹ The focus on identity also diverted attention from the involvement of police in a violent act. It has been pointed out that:

The association of the police with violence is contaminating. The sight of police officers fighting with others is likely to occasion the reaction that the police are little better than the hooligans they arrest . . . This contamination is minimised, and legitimacy maintained, when the law is coercively enforced against those identified as criminals, for criminals are by definition outside the moral community. The police can safely occupy the persona of the moral hero battling with the forces of evil.¹²

This observation illustrates the point that identity and meaning are created across difference. Identity does not exist in isolation but depends on an array of opposites, negatives and oppositions. The representation of Graeme Jensen as a violent criminal supported the identity of the police who killed him as moral heroes.

Conclusion

The characterisation of Graeme Jensen as a criminal worked not only as a description but as a justification for his shooting: the 'right man' was killed. His death was presented by the press not as a tragedy but the fulfilment of his life's destiny. Counsel assisting the coroner at the inquests into seven fatal police shootings, including Graeme Jensen's, remarked of the police comments in the aftermath of killings that:

It is not difficult to understand the motivation for putting the deceased into as bad a light as possible. If the deceased could be made to appear as a worthless criminal, no doubt the public would be less disquieted by his death.¹³

Paul Delianis, a former Victorian Deputy Commissioner, wrote in the *Herald Sun* after the fatal police shooting of two would-be robbers, one an unarmed intellectually impaired teenager:

Let's face it. Ordinary Victorians worried about escalating crime and violence are not going to shed many tears for two dead bandits. [18 May 1994, p.15]

The press, relying on police as their main source of information, vilified Graeme Jensen and assisted in creating a climate where few questions were raised about the circumstances of his shooting. The failure of the press to critically examine the circumstances of fatal police shootings can only have encouraged the permissive use of firearms amongst police. This permissiveness is all too apparent in Victoria's extraordinary toll of police shootings.

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