

Police Get Their Way: Allowed to Take Guns into Courtrooms

We [published an article](#) some time ago about whether police officers should be allowed to take [guns into court](#); a debate which has gone on since September 2014.

This debate has now been resolved in favour of the powerful NSW Police Association.

What is the current law?

[Section 8 of the Court Security Act 2005](#) makes it an offence to carry restricted items into courthouses, including firearms.

The NSW Chief Magistrate Graeme Henson directed that this rule applies to police as well as others, although police officers could request special permission to have guns with them in specific cases.

But as of next Monday 10 August, police will be allowed to bring their guns with them into the courtroom.

This comes after months of discussion between the NSW Sheriff, NSW Police Commissioner, Chief Justice of the Supreme Court, Chief Judge of the District Court and Chief Magistrate of the Local Court.

Accordingly, Police Minister Tony Grant issued a protocol on August 4 bringing the changes into effect.

Mr Grant stated that: [“this is a commonsense approach at a time our nation faces a high terror alert and when we’ve seen police overseas become terror targets themselves.”](#)

The protocol will be assessed after six months, or as needed, to determine its effectiveness.

The Sheriff

The [Office of the Sheriff of New South Wales](#) is responsible for the security of NSW courts, as well as administering the jury service system, swearing in witnesses and looking after exhibits.

If you've been to court, you may have seen Sheriffs both at the entrance of the courthouse and inside the courtrooms.

Sheriff uniforms look similar to those of other law enforcement officers. Perhaps their most important responsibility is to keep courts safe and secure.

Currently, those wishing to enter courthouses will normally need to go through a security scanning procedure.

The process requires the public, and even lawyers, to empty everything from their pockets and place their belongings in a tray to be scanned.

They are then required to walk through a metal-detector machine, and may additionally be scanned with a hand-held detector after going through that machine. They may further be given a 'pat down'. The process is similar to going through security checks at the airport.

If anyone is found to be carrying weapons or other prohibited items, those items will be seized by the Sheriffs and police may then be called.

There are several hundred specifically trained Sheriffs who ensure the safety of those inside NSW courts, and they have been highly successful at maintaining court security for many years – including during times of 'high alert'.

Do police need to have guns inside courtrooms?

With security procedures already in place and working well, many wonder whether police need to have guns inside courtrooms

– or whether it is just another power grab by the police force.

Lawyers were overwhelmingly against the change; concerned that the presence of guns in the hands of police will move power within the courtroom away from the judiciary and Sheriffs (where it should rest) and further towards police officers – who have already enjoyed a raft of laws bolstering their powers in recent times.

And after all, which criminal defence lawyer would feel entirely comfortable putting unscrupulous police officers – whose conduct is already in question – through intense and lengthy cross-examination when they have a gun attached to their hip within easy access?

But as has repeatedly occurred in recent times, police and their powerful association have won the battle without any real justification.

So bravo to our decision-makers for allowing these minimally trained individuals to have guns – in addition to their batons, tasers, capsicum spray and handcuffs – with them while being questioned on the witness stand (often about their own illegal conduct), in an environment where those around them have been security checked, where the magistrate or judge is supposed to carry the authority, and where Sheriffs have admirably maintained security for many years.

Bravo.