

## **CHAPTER 3 - ISSUE AND CARRIAGE OF FIREARMS**

### **1. INTRODUCTION**

- 1.1 One of the hallmarks of British society has been the predominance of policing by officers who are not routinely armed. There is, however, a responsibility on Chief Officers to ensure that officers and the community they serve are adequately protected against violence and, in particular, armed crime.
- 1.2 The purpose of this chapter is to set out the criteria that must exist before firearms are issued to police officers, together with the procedure and some of the considerations that accompany the issue of firearms and their carriage.

### **2. CRITERIA FOR THE ISSUE OF FIREARMS**

- 2.1 Firearms are issued to AFOs when an appropriate authorising officer approves their carriage, overtly or covertly, during the course of patrolling or for a specific firearms operation. In this context, the issue of firearms includes the making available for immediate operational use (i.e. actually carrying the weapon, as opposed to its being kept in a mobile armoury).
- 2.2 Firearms are to be issued to AFOs (following authorisation by the appropriate authorising officer):
- a. Where the authorising officer has reason to suppose that they, in the course of their duty, may have to protect themselves or others from a person who:
    - i. is in possession of a firearm, or
    - ii. has immediate access to a firearm, or
    - iii. is otherwise so dangerous that the officer's use of a firearm may be necessary.
  - b. For the humane destruction of animals which are dangerous or are suffering unnecessarily.
- 2.3 The use of the words 'reason to suppose' sets the level of knowledge required as to the existence of a threat justifying the issue of firearms at a far lower level of probability than that which would actually justify their use.
- 2.4 There can be no justification, therefore, for making use of a weapon based solely on the fact that firearms have been issued. In effect the authority for issue merely authorises the carrying of the weapon. A police officer is deemed to have used a firearm when the weapon is:
- a. pointed at another person, or
  - b. fired at another person in self-defence or in defence of another whether or not injury or death results.
  - c. discharged in any other operational circumstances, including unintentional discharge.

(An Aide Memoire outlining the above can be found at Annex 3A)

### **3. DEPLOYMENT**

- 3.1 AFOs are considered as being 'deployed' when they are required to conduct a specific task during which their possession of a firearm, with appropriate authorisation, is a required element.

### **4. THE HUMANE DESTRUCTION OF ANIMALS**

- 4.1 The humane destruction of an animal is a duty which may fall to the Police Service if the animal represents a danger to lives or property, or if it is in such a condition that it must be killed to avoid unnecessary suffering, and no veterinary surgeon or licensed slaughterer is available to perform the task or they are otherwise unable to do so.
- 4.2 The destruction of large marine mammals (e.g. whales and porpoises), does not fall within the remit of the Police Service, and should be referred to the Local Authority.
- 4.3 A comprehensive document entitled "The Humane Destruction Of Animals By Police" prepared by Home Office Scientific Development Branch (HOSDB) and the Firearms Training and Advisory Group addresses the destruction of domestic and non-domestic animals, and should be referred to.

### **5. AUTHORISATION / COMMAND RESPONSIBILITY**

- 5.1 The person who tasks armed officers to the scene of a potential firearms incident will assume the role of the Gold Commander unless a pre-determined Gold Commander has been appointed. This officer will continue to perform the role until a nominated officer takes over command. (Chapter 4 provides a description of the various roles, including Gold, Silver and Bronze Commanders).
- 5.2 Both the initial and any ongoing Gold Commander has the responsibility to consider the setting of parameters in which a Silver Commander should develop the tactical plan, e.g. limitations on the use of Dynamic Entry, Interception or the use of Specialist Munitions.

#### **Tactical Advice**

- 5.3 A firearms Tactical Advisor should always be contacted at an early stage where there is an incident involving the actual or potential deployment of AFOs, spontaneous or pre-planned.
- 5.4 While the need for tactical advice will always exist at the level of Silver Commander as a priority, Gold Commanders may wish to seek the advice of a Tactical Advisor concerning the potential operational effect of setting tactical parameters.
- 5.5 The advisors do not make any decisions or take independent action. The responsibility for the validity and reliability of the advice lies with the Advisor, but the responsibility for the use of the advice lies with the Commander.

## Intelligence

- 5.6 It is the responsibility of the Silver Commander, in consideration of the Conflict Management Model (see Chapter 2), to maximise the level of intelligence gathered (within operational constraints). This will better inform their decision-making process and allow for a more reliable threat assessment on which to base a tactical plan and its continual review.
- 5.7 It should be remembered that, in spontaneous incidents, all the information may not be immediately available. It is important to establish and maintain an effective information gathering process from an early stage. In protracted or more complex incidents there is value in setting up a robust intelligence system which will support the Command of the incident.

## 6. AUTHORITY TO ISSUE FIREARMS

- 6.1 Officers involved in making the decision of whether or not to issue firearms should have received a level of training which is sufficient to allow them to make a sound judgement on the matter. This training should enable them to make this important decision on the basis of the intelligence and recommendations received from the requesting Officer.
- 6.2 As soon as the decision has been made to issue firearms, it will be the responsibility of the Gold Commander (who may also be the authorising officer) to consider what strategy should be adopted and what tactical parameters need to be set (if any). This consideration should be with a view to exercising an appropriate control of the deployment of potentially lethal force. The Gold Commander should determine an initial strategy even if they require additional information to finalise this strategy. In order to do so, if not involved from the outset, a Gold Commander should be informed as soon as possible that an operation requiring the deployment of armed officers is taking place.
- 6.3 It is for the Chief Officer of each Force to determine at what level authorisation for the issue of firearms and specialist munitions should be granted. The guidelines detailed hereunder should be considered the MINIMUM level. However, Chief Constables have the discretion to set levels of authority at a higher level reflecting local circumstances.
- 6.4 In respect of pre-planned operations or in other cases when it is practicable to do so, initial authority should be granted by a nominated officer. Forces may wish to nominate all officers in command of the policing area (Basic Command Unit or Division) in which such operations may be undertaken or, alternatively, to establish a specialist cadre of officers.
- 6.5 Special considerations need to be taken into account when, in a pre-planned operation, it is intended to intercept subjects journeying to, from or engaged in the commission of an offence which may require the deployment of AFOs. Specific authorisation should be obtained from an ACPO Officer (Assistant Chief Constable, Commander or higher ranks) unless the Chief Officer has nominated a different command level to take these decisions.
- 6.6 In the case of spontaneous incidents, or where delay could result in loss of life or serious injury, authority could be granted by the appropriate supervisor in accordance

with local procedures. **In any event, authority to issue firearms and special munitions shall only be granted by an officer who has been selected, trained and accredited for that role.**

- 6.7 It is anticipated that the decision to issue firearms will be notified to the appropriate senior officer at an early opportunity in line with individual force guidelines.
- 6.8 An ACPO Officer should give authority for the issue of Attenuating Energy Projectiles and Specialist Munitions, when they will potentially be used during a situation involving public disorder. Guidelines on this are to be found in the ACPO Public Order Manual.
- 6.9 For the deployment of Attenuating Energy Projectiles in other situations, the same levels exist as for the issue of conventional firearms and specialist munitions used by the Police.

## 7. SELF-AUTHORISATION

- 7.1 It is also recognised that there may be some eventuality where officers with immediate access to firearms suddenly encounter a situation where there is reason to suppose that the protection of life or prevention of serious injury cannot be achieved without immediate use of the firearms. In such circumstances it is expected that the officers would act accordingly and be ready to use the weapons without further authority in accordance with their training.
- 7.2 However, the appropriate supervisor (e.g. the officer in charge of the Force Control Room) should be informed as soon as possible to then contact the usual authorising officer (e.g. ACPO officer, BCU / Divisional Commander) allowing a prompt review of deployment.

## 8. STANDING FIREARMS AUTHORITY

- 8.1 Where the criteria for the issue of firearms are met, standing authority for the issue and carriage of firearms may be granted to officers employed on certain specific duties.
- 8.2 These include officers working at airports, nuclear sites, on Protection Duties, as well as some deployed in Armed Response Vehicles (ARV) in certain areas (for definition of ARVs, see Chapter 5).
- 8.3 Where such standing authority has been given, the continuing need for it should be reviewed on a regular basis.
- 8.4 If officers encounter or are sent to an incident in their role as AFOs, the appropriate supervisor should be informed as soon as possible in accordance with their Force's procedures to allow the implementation of a command structure as appropriate.
- 8.5 In recognition of the special circumstances prevailing in Northern Ireland, the Chief Constable has given standing authority for all officers, subject to successful training, to be issued with a personal issue handgun. This standing authority will be kept under regular review in accordance with Recommendation 65 of the Independent Commission on Policing in Northern Ireland. The Chief Constable responsible for policing in Northern Ireland will also keep under review issues relating to the

selection, fitness and training of officers for firearms related duties.

## **9. CONDITIONS FOR ISSUE AND USE**

- 9.1 Firearms should be issued only to officers who are currently authorised and trained in a particular class of weapon and have continued to undergo the corresponding tactical training. AFOs' authorisations should be reviewed on a regular basis to ensure that both their weapons handling and accuracy continue to be of a sufficient standard to allow them to carry their weapon operationally. Such a review should similarly confirm they remain suitable for the role.
- 9.2 Each authorised officer should hold an authorisation card showing the types of weapon that may be issued. The authorisation card should be produced before a weapon is issued and should always be carried when the officer is armed. The card should be issued without alteration and should have an expiry date on it (see example Annex 3B).
- 9.3 The capability of individual weapons will be a consideration in the initial equipping of firearms officers, and will be a tactical consideration in their deployment.

## **10. SELECTION OF AUTHORISED FIREARMS OFFICERS (AFO)**

- 10.1 Every applicant for firearms training should complete a comprehensive application form. This will be the basis of a formal selection process as agreed by individual Chief Officers.
- 10.2 An officer nominated by the Chief Officer should examine the application and decide upon an officer's suitability to become an AFO. Applications should be assessed against the following key competencies:
- a. Communication and Planning,
  - b. Restraint and Control,
  - c. Emotional Strength,
  - d. Teamwork and Co-operation,
  - e. Information Assimilation,
  - f. Decision Making under Pressure,
  - g. Alertness,
  - h. Impact and Assertiveness,
  - i. Interpersonal Sensitivity.

### **ACPO Healthier and Safer Policing Working Group**

- 10.3 Advice on medical/health issues is available to the Force's department dealing with occupational health from the ACPO Healthier and Safer Policing Working Group.

a. **Fitness**

Chief Officers should satisfy themselves that AFOs are of an appropriate level of fitness. This level should be determined on the basis of a role-related fitness test, the content of which should be agreed by the Chief Officer and the Director of Physical Education of the force concerned. All AFOs should be subject to annual monitoring of their fitness and continued suitability for their specialist role.

b. **Stability**

Supervisors should be satisfied that potential and current AFOs have a stable and mature attitude towards the carrying of firearms in stressful situations.

c. **Hearing**

Part of the selection procedure for instructors and AFOs should include an audiometric test. Regular testing thereafter will help detect any signs of hearing damage. (Generic Risk Assessment 7 in the Police Health & Safety Manual refers). Force departments dealing with occupational health will be able to advise on this matter.

d. **Eyesight**

Chief Officers must satisfy themselves that officers meet an approved standard of eyesight necessary to become and remain AFOs (whether wearing aids to vision or not).

- 10.4 After successful completion of this process officers may progress to an Initial Firearms course and, if successful, may be authorised by the Chief Officer on the recommendation of the Head of Firearms Training or other designated officer.

## **11. TEMPORARY UNFITNESS TO BE ISSUED WITH A FIREARM**

- 11.1 The consumption of alcohol or the use of drugs in medical treatment or otherwise may reduce the alertness and performance of an officer. Officers carrying firearms should not consume, or be unfit whilst under the influence of, alcohol. Any officer who is receiving a course of drug treatment should seek the advice of their own doctor or Occupational Health Unit concerning the possible side effects. Any other concerns, or medical advice given to an officer should be brought to the attention of their immediate supervisor, who should take appropriate action.

## **12. ARMED SUPPORT**

- 12.1 There are potentially serious hazards in deploying armed police officers singly. However, it is recognised that during certain types of police duties it is necessary to deploy AFOs singly. This tactic may present potentially serious hazards and should be the subject of risk assessment. If, for any reason, AFOs are not deployed in pairs, plans should be made to provide appropriate armed support to that AFO.

### **13. REVIEW OF FIREARMS AUTHORITY**

- 13.1 In all cases where authority to issue firearms has been granted, there should be a regular review to ensure such authorisation is still appropriate. This will be an ongoing consideration throughout the life of the authority and will be particularly relevant when any update of intelligence relevant to the threat is available. Where a review is undertaken, the outcome and reasons for decisions made should be recorded.

### **14. DOCUMENTATION**

- 14.1 Records of the issue, and operational use, of firearms in the Police Service should be maintained which include sufficient information to monitor the effectiveness of the operational response. The precise nature of information collected will vary dependant on local requirements. In general it should include such items as:
- a. the time, date and nature of the incident
  - b. the time and date an AFO/Armed Response Vehicle (ARV) is dispatched (for definition of ARV, see Chapter 5)
  - c. the time and date an AFO/ARV arrived
  - d. the time and date an AFO/ARV is deployed
  - e. the time and date additional firearms resources arrived (if relevant)
  - f. Date/Time additional resources authorised and called for
  - g. the time and date additional firearms resources deployed (if relevant).
- 14.2 In every operation involving the deployment of AFOs it is important that all aspects of the planning, control and decision making processes are recorded in Command Logs to provide good evidence for subsequent audits of the incident. It should be remembered that such information may be used as evidence in civil/criminal proceedings, and should be preserved in such a manner as is acceptable to a Court/Inquiry.
- 14.3 Such information is also important in establishing what lessons, if any, can be learned from the operation. These lessons will provide useful information that may enhance the Police response in future operations.

### **15. SECURITY OF POLICE WEAPONS**

- 15.1 Police weapons which are not being used for operational purposes will normally be stored in Force armouries. However, there are occasions when, due to operational need, firearms will be kept elsewhere. It is the responsibility of each individual Force to ensure that these weapons are stored in a secure location when not required.

### **16. WEAPON RETENTION**

- 16.1 All Firearms officers should receive training in weapon retention awareness and techniques. The physical skills required should equip officers to deal with situations where there is potential for a subject to attempt to remove a firearm from them and thereby pose a further threat to any person.

## 17. CARRIAGE OF FIREARMS IN AIRCRAFT

- 17.1 The carriage of firearms and munitions has become an important aspect in the use of aircraft by police officers.
- 17.2 The ability for firearms units or AFOs to be moved rapidly to the scene of an incident and, on arrival, the potential to carry out an airborne reconnaissance is of enormous benefit to the Silver Commander.
- 17.3 The operator shall agree with the Civil Aviation Authority the type and quantities of firearms and munitions which are permitted to be carried and the manner in which they are to be carried.
- 17.4 The overriding consideration when the carriage of firearms and munitions is being undertaken is that no danger to the aircraft, persons on board or persons or property on the ground shall exist.
- 17.5 There is to be **no firing of weapons or launching of any munitions** from the aircraft in the air or on the ground.
- 17.6 In respect of the safety and operation of the aircraft the pilot in charge has primacy and his instructions in these respects will be binding on all people on the aircraft.

## 18. WATERBORNE TRANSPORTATION

- 18.1 The responsibility for the safety of the craft, embarked personnel and stores rests at all times with the person in charge of the craft.

## 19. ANCILLARY EQUIPMENT

- 19.1 All firearms equipment used by police officers should be approved by each individual Force and, where appropriate, by the HOSDB. AFOs should train with the equipment they would be expected to use in an operational role and unauthorised personal accessories, which may compromise operational effectiveness, should be prohibited.

## ANNEX 3A



## AIDE MEMOIRE FOR AUTHORITY TO ISSUE FIREARMS

### Criteria for Issue

Firearms are issued to AFOs when an appropriate authorising officer approves their carriage, overtly or covertly, during the course of patrolling or for a specific firearms operation. In this context, the issue of firearms includes the making available for immediate operational use (i.e. actually carrying the weapon, as opposed to its being kept in a mobile armoury).

Firearms are to be issued to AFOs (following authorisation by the appropriate authorising officer):

- a. Where the authorising officer has reason to suppose that the AFOs, in the course of their duty, may have to protect themselves or others from a person who:
  - i. is in possession of a firearm, or
  - ii. has immediate access to a firearm, or
  - iii. is otherwise so dangerous that the officer's use of a firearm may be necessary...or
- b. For the humane destruction of animals which are dangerous or are suffering unnecessarily.

### Considerations

If the above criteria are met then firearms are to be issued.

The reason for granting or refusing authority should be recorded.

The authorising officer retains the responsibilities of Gold unless, or until, it is passed to another officer in accordance with local procedures.

### Note

The use of the words 'reason to suppose' sets the level of knowledge required as to the existence of a threat justifying the issue of firearms at a far lower level of probability than that which would actually justify their use.

There can be no justification, therefore, for making use of a weapon based solely on the fact that firearms have been issued. In effect the authority for issue merely authorises the carrying of the weapon. A police officer is deemed to have used a firearms when the weapon is:

- a. pointed at another person, or
- b. fired at another person in self-defence or in defence of another whether or not injury or death results.
- c. discharged in any other operational circumstances, including unintentional discharge.

## ANNEX 3B AUTHORISED FIREARMS OFFICER - SUGGESTED DRAFT AUTHORISATION CARD / AIDE MEMOIRE

### (Side 1)

POLICE FORCE

Name:.....Rank:.....No:.....

The holder is authorised to be issued with the types of weapons shown below.

1. Handgun    2. Carbine    3. Shotgun    4. Rifle    5. Other

Expires

Issued without alteration

.....Assistant Chief Constable/Commander

### (Side 2)

#### The Law

#### Section 3 Criminal Law Act 1967 and Section 3 Criminal Law Act (Northern Ireland) 1967:

‘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’

When making a determination as to whether the level of force used was lawful in any particular instance the courts will take cognisance of the articles under the ECHR.

#### Circumstances when Weapons May Be Fired

Firearms may be fired by AFOs in the course of their duty only when absolutely necessary after traditional methods have been tried and failed or must, from the nature of the circumstances, be unlikely to succeed if tried.

(It is strongly advised that warning shots are a dangerous option as they may lead a subject or other officers to believe they are under fire or cause collateral injury.)

#### In Scotland, Forces will include the following:-

#### ‘The Law

‘A police officer is not entitled to open fire against a person unless the officer has reasonable grounds for believing that that person is committing, or is about to commit, an action which is likely to endanger the life or cause serious injury to the officer or any other person and there is no other way to prevent the danger.

'In no case must a prisoner be harshly treated or have greater force used against them than is absolutely necessary to restrain.

#### **'Circumstances When Weapons May Be Fired**

'You may open fire against a person only when absolutely necessary after traditional methods have tried and failed, or must, by the very nature of the circumstances, be unlikely to succeed if tried.

'To sum up, a police officer should not decide to open fire unless that officer is satisfied that nothing short of opening fire could protect the officer or another person from imminent danger to life or serious injury.'

#### **Individual Officer's Responsibility**

The ultimate responsibility for firing a weapon rests with the individual officer, who is answerable ultimately to the law in the courts. Individual officers are accountable and responsible for all rounds they fire and must be in a position to justify them in the light of their legal responsibilities and powers. Any discharge of a weapon other than in training, whether intentional or otherwise, must be reported by the officer concerned. The pointing of a firearm at any person may also constitute an assault and must also be reported and recorded.

#### **Oral Warning**

AFOs shall identify themselves as such and shall give a clear warning of their intent to use firearms, with sufficient time for the warnings to be observed, unless to do so:

- a. would unduly place any person at a risk of death or serious harm,
- or**
- b. it would be clearly inappropriate or pointless in the circumstances of the incident.