

CHAPTER 1 - INTRODUCTION

1. INTRODUCTION

- 1.1 The first three Articles of the United Nations Code of Conduct for Law Enforcement Officials state...
- “1. [Police officers] shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.
 2. In the performance of their duty, [police officers] shall respect and protect human dignity and maintain and uphold the human rights of all persons.
 3. [Police officers] may use force only when strictly necessary and to the extent required for the performance of their duty.”
- 1.2 It is with a view to these duties and responsibilities in the context of the rare policing situations which require the use of firearms by police officers that the Association of Chief Police Officers (ACPO) issue this Manual of Guidance. The Association of Chief Police Officers in Scotland (ACPOS) subscribe to this manual. The Manual was first issued in 1983 and has been constantly reviewed and updated since that date. The responsibility for such is borne by the ACPO Working Group on the Police Use of Firearms whose purpose is ‘to provide the Police Service with strategic direction and advice on all matters relating to the deployment of armed officers’. Membership consists of officers with considerable experience in the realm of training and operations involving firearms, as well as representation from the Police Scientific Development Branch and National Police Training, Operations Faculty.
- 1.3 The Manual is intended to provide:
- a. The placing of the Police Service’s use of firearms in the wider context of general policing activity,
 - b. a statement of policy on the issue and use of firearms within the Police Service,
 - c. a basis for the training of all relevant police staff in matters relating to the operational use of firearms,
 - d. guidance on the appropriate use of different tactical options involving the deployment of Authorised Firearms Officers (AFOs, for definition see Chapter 5, paragraph 10.1)
 - e. an initial reference point for firearms and related equipment accepted by ACPO as suitable for operational use.
- 1.4 This manual incorporates the principles of the European Convention on Human Rights and its application to the UK through the Human Rights Act 1998.
- 1.5 The legislation predominantly referred to in this manual is that for England and Wales. Equivalent legislation for Scotland and Northern Ireland should be considered where necessary.
- 1.6 All references throughout this Manual to ACPO officers should be interpreted as including those representatives of ACPOS.

- 1.7 As a consequence of the Police Reform Act, 2002, the Secretary of State has issued the 'Home Office Code of Practice on Police use of Firearms and Less Lethal Weapons', the purpose of which is to promote the efficiency and effectiveness of police forces in England and Wales. The Code may be found on the Home Office web site at www.homeoffice.gov.uk. For the same purpose a 'Statement of Intent on Police Use of Firearms and Less Lethal Weapons' has separately been adopted for use in Scotland
- 1.8 The training of all relevant police staff in matters relating to the operational use of firearms is dealt with separately in the National Police Firearms Training Curriculum.

2. CONTENT

Part I

- 2.1 Part I deals with general policy matters governing the use of firearms by police officers. It also seeks to demonstrate the professional standards to be applied to any investigation following the discharge of a firearm in operational circumstances by providing clear guidance.

a. Chapter 2 – Use of Force

Outlines the responsibility of the Police Service to protect people's right to life, liberty and security of the person and to maintain public safety by keeping the peace. It introduces a 'Conflict Management Model' and describes legal provisions relating to the use of force by police officers in performing their duties.

b. Chapter 3 – Issue and Carriage of Firearms

Provides guidance on the selection of AFOS and outlines the criteria and conditions for the issue of firearms to them, together with the level of authority at which such decisions should be made. Reference is also made to issues concerning the security and carriage of the firearms.

c. Chapter 4 – Command

Indicates measures to be taken and structures to be put in place to ensure appropriate control and supervision of an operation involving the deployment of AFOS.

d. Chapter 5 – Use of Firearms

Provides an overview of the basic principles and tactics involved in the use of firearms by police officers in different environments. It also gives a brief description of the roles and capabilities involved and guidance on dealing with people during the operation (e.g. witnesses, subjects and hostages).

e. Chapter 6 – Investigations and Remedies

Involves a brief explanation of the remedies available for people wanting to challenge the decisions or actions involved in an operation involving the deployment of AFOS. It then outlines the main steps to be taken when investigating the discharge of a firearm by a police officer in operational circumstances.

Part II

2.2 Part II provides initial guidance on the weapons and equipment approved for use by the Police Service in circumstances justifying the deployment of AFOs. It then builds upon the Conflict Management Model and basic principles outlined in Part I, providing further detail on the phases of an operation and the tactics which can be employed in different environments. The contents are considered confidential as they are operationally sensitive – if potential subjects of police operations involving the use of firearms were aware of such details, it might compromise the ability of the Police Service to perform its duty to protect life.

a. Chapter 7 – Weapons and Equipment

Highlights issues concerning firearms, specialist munitions and the necessary supporting equipment.

b. Chapter 8 – Tactics

Elaborates upon the Conflict Management Model outlined in Chapter 2, providing clear guidance on the phases of an operation, in particular the planning, but also its organisation and activation, together with any necessary containment.

c. Chapter 9 – Environments

Provides further detail on tactics to be considered in different types of environments (buildings, the open, public disorder, vehicles and surveillance).

d. Chapter 10 – Joint Operations

Deals with how the Police Service will work with other agencies in situations requiring the deployment of AFOs, in particular the National Health Service and the Prison Service.

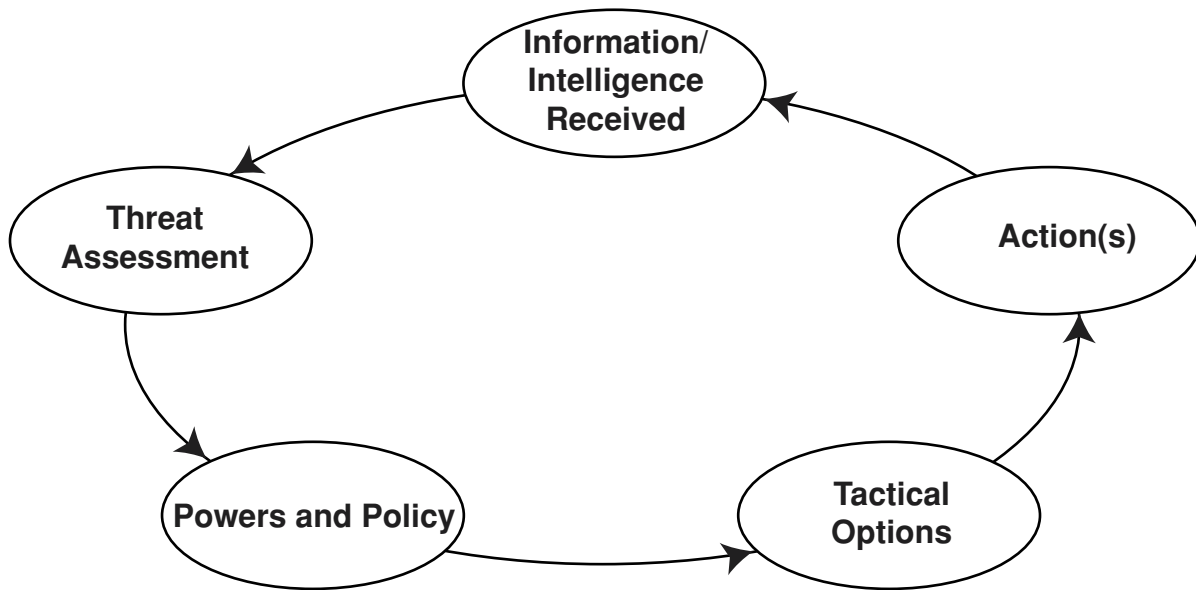
CHAPTER 2 - USE OF FORCE

1. KEEPING THE PEACE

- 1.1 Crime and disorder within society:
- a. adversely affects people's quality of life
 - b. violates peoples freedoms and rights
 - c. reduces opportunities for economic and social regeneration in a community
- 1.2 Crime and disorder reduction is, therefore, a major focus of public agencies and a key role for the Police Service. This involves three principal components:
- a. identifying and assessing the risk / threat.
 - b. minimising and managing the risk.
 - c. the Police Service's reasonable, proportional and effective response.
- 1.3 These three elements are interwoven in all aspects of police work within the community. They encompass the protection of human rights, the recognition of diversity within society, the law governing the use of force and the historic traditions of the British Police Service working in partnership with the community. Intelligence obtained from within the community and other sources is pivotal to effective crime and disorder reduction.
- 1.4 Working with others, the Police Service is constantly seeking to build and keep the peace within and between communities. In the short term, the Police may have to restore peace both through local negotiation and critical intervention, minimising the effects of unlawful disturbances and violence. This may range from giving advice to rowdy people, through dealing effectively with domestic abuse, to dealing with incidents involving firearms or major public disorder.
- 1.5 The ACPO Manuals of Guidance relating to Keeping the Peace, the Police Use of Firearms and the Personal Safety Programme are designed to assist operational officers, planners, advisors and commanders to manage their response to conflict in a reasonable and proportional way.

A Conflict Management Model

- 1.6 In any conflict situation a decision making process is necessary to ensure that the conflict is dealt with in a logical and progressive manner. The conflict management model set out below is one way of providing such a logical progression. None of the stages of the model should be seen as the sole responsibility of the Police.
- 1.7 Information and intelligence received leads to a threat assessment then, following consideration of the relevant powers and policy, the appropriate tactical option/s are chosen to manage the threat and resolve the conflict. The cyclic nature of the model allows for constant re-assessment of the situation and for appropriate action to be taken on the basis of the most up to date information available.



1.8 The model illustrates an approach to the resolution of conflict and can be applied equally to spontaneous incidents or pre-planned operations, and equally to an individual patrolling officer as to teams of officers dealing with an incident involving firearms or a large-scale disorder.

1.9 There is obviously a wide choice of tactical options which vary according to the limits of information to hand, the resources available and the immediacy of any threat, all of which feature in the decision making process. While this Manual concentrates on strategy and tactical options involving the deployment of police officers with firearms, it should be read in the wider context of conflict management.

2. KEEPING THE LAW

2.1 There is an expectation that all policing will be conducted reasonably and within the bounds of the law.

2.2 The legal parameters within which police officers work can be found in:

- a. The domestic law. This is based in:
 - i. Statutes such as the Police and Criminal Evidence Act 1984 and the Police and Criminal Evidence (Northern Ireland) Order 1989
 - ii. The common law, which is a mixture of legal conventions and the case law of the courts, and
- b. International law, and especially the provisions of the European Convention on Human Rights (ECHR). Some of the provisions of the ECHR have been given legal effect within the United Kingdom by virtue of the Human Rights Act 1998.

2.3 All officers have an individual responsibility for ensuring that they are properly educated and informed about the extent of their legal powers and the context within

which those powers can be properly exercised. It is unacceptable for a police officer to claim ignorance of the law.

- 2.4 In addition to having a comprehensive knowledge of United Kingdom laws, it is extremely important for all officers to understand the applicability and scope of the provisions of the ECHR that have been given effect under the Human Rights Act. The Human Rights Act has two basic purposes:
- a. The law of the European Convention on Human Rights and specifically the rights and freedoms set out in the Convention will be actionable before UK courts, and
 - b. Courts and tribunals, public authorities and Government Ministers will have to act in a way that is 'compatible' with the law of the convention. Failure to do so may be unlawful, although not a criminal offence.
- 2.5 The rights and freedoms of the Convention that may be relevant to policing include:
- Article 2 - the right to life
 - Article 3 - prohibition from torture, inhumane or degrading treatment
 - Article 5 - the right to liberty and security of the person
 - Article 6 - the right to a fair hearing
 - Article 7 - protection from punishment without legal basis
 - Article 8 - the right to respect for private and family life
 - Article 9 - freedom of thought, conscience and religion
 - Article 10 - freedom of expression
 - Article 11 - freedom of assembly and association
 - Article 14 - freedom from discrimination
- 2.6 The full text of the Articles can be found in the Human Rights Act 1998. Their application to policing and other activities by public agencies can be found in case law originating from that Act and the ECHR itself.
- 2.7 It is recognised within ECHR law that the responsibility of the Police Service (and other public services) is not only to comply with the Articles but also extends to taking positive action to protect the rights and freedoms they outline. It is, therefore, important that all officers carefully consider the legal parameters of each of these rights and freedoms at every stage of policing.
- 2.8 There is a further presumption that Convention rights can only be interfered with by any kind of State action where the Convention expressly allows it. The conditions for such interference are set out within the wording of each of the Articles. For example, the rights provided for in Articles 8, 9, 10 and 11 each have qualifications attached to them. The first part of each Article provides the right while the second specifies legitimate reasons for the qualification of the right.

- 2.9 In general terms, the rights can only be interfered with:
- a. Where the interfering action is provided for by law, and
 - b. The action is 'necessary in a democratic society' and for one of the following reasons:
 - i. public safety,
 - ii. preventing disorder or crime,
 - iii. protecting health,
 - iv. protecting morals,
 - v. protecting the rights of others,
 - vi. national security,
 - vii. territorial integrity.
- 2.10 In deciding whether the action was 'necessary in a democratic society' it will be necessary to consider whether the action:
- a. fulfilled a pressing social need, and
 - b. pursued a legitimate aim, and
 - c. there was a reasonable relationship of proportionality between the means employed and the aim pursued. This means that the action was designed to:
 - i. impair as little as possible the right or freedom in question,
 - ii. meet the objectives of the domestic law in question,
 - iii. not be arbitrary, unfair or based on irrational considerations, and
 - iv. be balanced against the severity of the effect that the action has on the individual or group. The more severe the effect, the more important the objective must be for the action to be considered legitimate.
- 2.11 The ECHR is a living instrument and seeks to take account of changes in society and the prevalent values recognised within it. For example, actions which were considered reasonable in the past may be viewed as unreasonable by the courts today.

3. THE LAW RELATING TO THE USE OF FORCE

- 3.1 The issuing of a firearm to a police officer does not, of itself, constitute a use of force. It is only when a police officer makes use of a firearm (for example by pointing or by firing) that the considerations contained in this chapter become relevant.

The law is contained within ...

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

- 3.2 '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'

Section 117 Police and Criminal Evidence Act 1984 and Article 88 Police and Criminal Evidence (Northern Ireland) Order 1989

- 3.3 'Where any provision of this Act or Order
- (a) confers any power on a constable; and
 - (b) does not provide that the power may only be exercised with the consent of some other person other than a police officer,
- the officer may use reasonable force, if necessary, in the exercise of the power.'

Common Law

- 3.4 The Common Law has always recognised the right of self-defence.

European Convention on Human Rights (ECHR)

- 3.5 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.
- 3.6 It is recognised that the use of a firearm has potentially lethal consequences and, as such, Article 2 of the ECHR is of particular relevance when they are used by the Police Service.
- 3.7 Article 2 – Right to life
- “1. Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
 2. Deprivation of life shall not be regarded as inflicted in contravention of the Article when it results from the use of force which is no more than absolutely necessary:
 - a. in defence of any person from unlawful violence;
 - b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c. in action lawfully taken for the purpose of quelling a riot or insurrection.”

- 3.8 The European Court has held that 'in keeping with the importance of this provision [the right to life] in a democratic society the court must, in making its assessment, subject deprivation of life to the most careful scrutiny ...taking into consideration not only the actions of the agents of the State who actually administer the force but also all the surrounding circumstances including such matters as the planning and control of the actions under examination'. (McCann v United Kingdom (1995) 21 EHRR 97 at paragraph 150).
- 3.9 The test of absolute necessity found in Article 2 of the ECHR provides a stricter test of proportionality than is required in other areas of the Convention. It is also a stricter test than is provided by the concept of reasonable force within s 3 Criminal Law Act 1967, s 117 of Police and Criminal Evidence Act 1984, the equivalent Northern Ireland legislation and the Common Law. Even where the use of force may be seen as being reasonable it may not be absolutely necessary.
- 3.10 In addition the use of force must be based on an honestly held belief that it is necessary, which is perceived for good reasons to be valid at the time.
- 3.11 On each occasion that force is used it should be reported.

4. FURTHER READING

- 4.1 The concepts discussed in this chapter are enshrined in a number of international doctrines and conventions as well as domestic law. These include the European Convention on Human Rights itself, the United Nations (UN) Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These are all recommended as further reading.

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 the Police Scientific Development Branch (PSDB) 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 specialist munitions should only be granted by an officer not below the substantive rank of Inspector.**

- 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 Baton Rounds 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 Baton Rounds 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 Organisational Health, Safety & Welfare 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 PSDB. 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.

CHAPTER 4 - COMMAND

1. INTRODUCTION

- 1.1 The purpose of this chapter is to set out the Command structure and supporting measures appropriate to operations involving the deployment of AFOs. Command is an integral and immediate consideration within any Police response to such an incident. The possibility of potentially lethal force being used by the Police Service places an obligation on them to ensure that an operation is controlled through effective Command.
- 1.2 The rank of the person exercising Command will depend on the seriousness of the incident, the training received and the time available for structures to be put into place. It is vital that measures should be instituted at the earliest opportunity and at the most appropriate level with a consideration of the required competencies for Command.
- 1.3 A co-ordinated, controlled and proportionate response, using established tactics, will ensure that unnecessary risks are avoided and successful outcomes are obtained. Success will be measured not only in upholding the criminal law, but also in the maximising of people's safety - by the minimising of conflicts and the balancing of rights of all those involved throughout an operation and beyond.

2. CONTINUITY OF COMMAND

- 2.1 It is the responsibility of the officer granting firearms authority to ensure that an appropriate command structure is instigated. This is a priority for all operations requiring the deployment of AFOs. In cases where officers have self-authorized this will mean that the officer will contact the appropriate supervisor in accordance with local arrangements to instigate command.

3. COMMAND STRUCTURE

- 3.1 In normal circumstances an effective Command structure has three levels, Strategic, Tactical and Operational. These Command functions are commonly referred to as Gold, Silver and Bronze respectively and the Commanders performing these roles need to be carefully selected, trained and updated on a regular basis.

Where the use of Gold, Silver and Bronze command structure is made throughout this Manual, Officers in Scotland may elect to refer to the Strategic, Tactical and Operational levels of command currently in practice.

- a. **Gold** Strategy – The overall intention to combine resources towards managing and resolving an event or incident.
- b. **Silver** Tactics – The way that resources are used to achieve the strategic intentions within the range of approved tactical options.
- c. **Bronze** Action - Organises the groups of resources to carry out the tactical plan.

- 3.2 The structure can be used for both pre-planned events and spontaneous incidents and can offer the degree of flexibility required to cope with a varied and developing

range of circumstances. It relies on the paramount principle of flexibility and as such is **role-specific, not necessarily rank-related**.

- 3.3 In particular a Gold, Silver and Bronze Command structure requires that each participant understands the parameters of their own role whilst accepting the relationship with others in the Command Team. Officers of senior rank cannot assume primacy solely on the basis of rank or territorial responsibility without taking up the appropriate role within the command structure. This change should be discussed before it is undertaken and it should be documented should it occur.
- 3.4 Similarly, if an officer senior in rank to the Gold Commander quality assures an operational plan, offers advice, or makes decisions, they are likely to be held accountable for all actions taken under the plan.
- 3.5 There is a need on protracted operations for command resilience to be addressed - suitably qualified replacements should be identified and briefed in good time.

The Gold Commander

- 3.6 The Gold Commander:
- a. is the officer in overall strategic command and has responsibility and accountability for the operation.
 - b. is required to resource the operation.
 - c. chairs meetings of the strategic co-ordinating group when they are held in the event of a multi-agency / multi-discipline response to an incident.
 - d. is required to set, review and update the strategy – which may include some tactical parameters.
 - e. should be in a position to maintain an effective strategic Command of the operation.
 - f. is required to consult with partners involved (if any) when determining strategy.
 - g. should maintain a strategic overview and should not become drawn into tactical level decisions.
 - h. should remain available to the Silver Commander if required.
 - i. should ensure that the strategy for the operation / incident is documented in order to provide a clear audit trail, including any changes to that strategy.
 - j. is responsible for ensuring the resilience of the Command structure and the effectiveness of the Silver Commander.
- 3.7 The above outline of a Gold Commander's role, together with necessary considerations is included at Annex 4A.

Gold Support

- 3.8 The Gold Commander may need a suitable structure to support the strategic command of the operation.

For example one or more of the following may be considered - Tactical Advisor, Media Officer, Loggist.

The Silver Commander

- 3.9 The Silver Commander:
- a. should make a full and detailed assessment of the information available and consult a Tactical Advisor.
 - b. is responsible for developing and co-ordinating the tactical plan in order to achieve the strategic intention of the Gold Commander within any tactical parameters set.
 - c. is responsible for ensuring that all officers/staff are fully briefed.
 - d. should be so located as to be able to maintain effective tactical command of the operation.
 - e. should ensure that all decisions are documented in the Command Log in order to provide a clear audit trail.
 - f. provides the pivotal link in the command chain between Bronze Commanders and the Gold Commander. This ensures all other Commanders are kept apprised of continuing developments.
 - g. must constantly monitor the need for firearms (i.e. the information can change at any time).
 - h. has the responsibility to review, update and communicate changes in the tactical plan to Bronze Commanders and, where appropriate, the Gold Commander.
 - i. must hold a full and thorough de-brief on conclusion of appropriate incidents.
- 3.10 The above outline of a Silver Commander's role, together with other necessary considerations is included at Annex 4B.
- 3.11 Consideration should be given to the appointment of more than one Silver Commander, for example if there are linked events in remote geographic locations. If there is more than one Silver Commander simultaneously, there should be a clear demarcation between their responsibilities, whether geographic or functional.

Silver Support

- 3.12 The Silver Commander needs a suitable structure to support the tactical Command of the operation. In most cases this will be a Command Post, which may be static or mobile as circumstances dictate. A Tactical Advisor is an essential part of the support

to the Silver Commander. Depending on the complexity of the operation, a staff officer and communicator/loggist may be required together with other support.

The Bronze Commander

3.13 The Bronze Commander:

- a. should have knowledge and clear understanding of the Silver Commander's tactical plan and their role within it, ensuring that staff are appropriately briefed.
- b. responsible for the implementation of the Silver Commander's tactical plan within their geographical or functional area of responsibility.
- c. keeps the Silver Commander updated on current developments including any variation in agreed tactics within their geographical or functional area of responsibility.
- d. should be so located as to be able to maintain effective tactical command of their area of responsibility.
- e. should be available to those under their Command. However, they should allow them sufficient independence to carry out their specific role in accordance with the strategy and tactical plan.
- f. should record decisions taken (where possible) to ensure a clear audit trail exists.

Bronze Support

- 3.14 While in many incidents involving the deployment of AFOs Bronze Commanders will not require substantial support, on occasion the following roles may be helpful (e.g. in cordons): a staff officer, runner, loggist. In protracted incidents, the value of Bronze Commanders having a single location/cell to monitor and disseminate all tactical information should be considered.

4. COMMUNICATIONS

- 4.1 There will be a need, in some circumstances, to establish an Incident Room to manage both pre-planned and spontaneous operations. This ensures that such operations do not impinge on day-to-day policing activity (or vice versa). Consideration should be given to the training required by staff performing roles within the Incident Room.
- 4.2 Air Support can be valuable in providing immediate, visual and radio information to assist Commanders in making tactical decisions
- 4.3 If it is intended to use a 'Command Vehicle', it should have a communications link with the relevant control room.

5. COMMAND PROTOCOLS

- 5.1 Events and incidents which involve a threat to public safety such as the criminal

use of firearms or large-scale public disorder have the potential to escalate to assume the proportions of a major incident.

- 5.2 Operations involving more than one area of activity require the introduction of a Command structure that can deal with potentially competing demands. For example, a Firearms Silver Commander may have to deal with firearms-related threats within the context of an ongoing major crime enquiry conducted by a Senior Investigating Officer. Similarly a Firearms Silver Commander may wish to pursue a tactic which requires more time than the Public Order Silver Commander, responsible for the outer cordon, can sustain.
- 5.3 It is the Gold Commander's responsibility to assess the situation, consider the resources available and balance the competing demands to achieve the desired outcomes. This may require the holding of a strategic co-ordinating meeting involving the relevant parties which may include:
- a. Firearms Silver Commander
 - b. Senior Investigating Officer
 - c. Public Order Silver Commander
 - d. Tactical Advisor (Firearms / Public Order)
 - e. Intelligence Officer
 - f. Technical Support Unit
 - g. Local BCU / Divisional Commander (or representative)
- 5.4 Command protocols reduce risk and inform and direct decision making by allowing commanders to know what they are expected to achieve and how they will combine with others and their objectives.
- 5.5 A command protocol will identify:
- a. The **desired outcome** of the operation
 - b. Who is **responsible for achieving each of the aims** that will lead to the desired outcome.
 - c. Who is responsible for minimising each risk identified.
 - d. Who controls each of the resources.
 - e. Who commands each separate **geographic or functional area** (if appropriate)
 - f. How the **individual aims are dependent** on each other, for example a Firearms Silver Commander may not be able to operate until the Public Order Silver Commander has secured the scene.
 - g. What **instigates the transfer of Command** from one Commander to another. This would include how this is defined, communicated and recorded. Such factors are likely to be achievement of an objective or the decision that an

objective cannot be achieved.

- 5.6 Command protocols can be summarised as **'Who Owns What and When'**.

6. SPONTANEOUS INCIDENTS

- 6.1 The relative ease of establishing Command in pre-planned operations is not necessarily reflected in spontaneous incidents. In these circumstances the Command structure is, in the first instance, likely to be condensed and will usually sit with the person having ready access to information, communications and resources. This person could be the Force's Control Room Inspector but the appropriate supervisor should be identified in each Force and commensurate training provided. The officer assuming command of the incident should ensure that AFOs are fully briefed and periodically updated concerning available information and intelligence, using such communication channels that exist at that time.

Initial Command Responsibility

- 6.2 In a spontaneous incident where authority has been granted or reviewed by an appropriate supervisor, it is important to realise that Command of the incident and responsibility for its management rests with that supervisor until such time Command is transferred.

Transfer of Command

- 6.3 It should not be assumed that a trained Silver Commander will immediately take on that role upon being contacted as their ability to perform an effective Command function depends upon:
- a. Knowledge of all intelligence / circumstances
 - b. Ability to communicate
 - c. Availability of appropriate tactical advice
 - d. Being suitably located
- 6.4 As such the Force Control Room Inspector (or appropriate supervisor) will often be in a better position to continue in the Silver Command role, taking heed of parameters set and advice given by the incoming Silver Commander, until the latter is in a position to Command. (Similar considerations may apply to the transfer of Gold Command responsibilities).
- 6.5 The transfer of such roles should take place as soon as is practicable. The officer making the decisions should record them, their considerations and the implementation of any actions. Any transfer of roles should be documented and will include the time and date of transfer. It is important that the officers taking Command roles are aware of the transfer of responsibility. Similarly, in normal circumstances, all officers engaged in such an operation should be made aware of a transfer of Command responsibility.

Command Location

- 6.6 In most operations requiring the deployment of AFOs, the suggested most appropriate location for a Silver Commander will be the Forward Control Point. This is to enable them to adopt an effective command function. If a Gold or Silver Commander decides to move to a more appropriate location and this involves a period where they do not have access to current intelligence or other Support, they should instruct the relevant Commander (Silver or Bronze) that, while they maintain their Command role, they will be in transit for a specified period. Command is not a discretionary responsibility.
- 6.7 Should there be a development within the incident that may affect the agreed approach during the transit period, then contact should be re-established. If such contact is not possible, then actions should be taken in the light of available tactical advice in accordance with training until the Commander is once more in a position to take full Command.
- 6.8 Similar principles should also be applied if there is a temporary loss of communication with Commanders for any other reason.

7. PLANNING

- 7.1 Because any operation involving the deployment of AFOs has the potential to contravene Articles of the ECHR this should be taken into account during planning. In spontaneous incidents the amount of planning undertaken will be commensurate with the level of threat and the time available. In order to comply with ECHR principles a plan must:
- a. Have a legitimate aim
 - b. Be lawful
 - c. Be proportionate
 - d. Be justified
 - e. Be the least intrusive or damaging to the rights of individuals.
- 7.2 In addition judgements arising from Article 2 of the ECHR have required that operations be planned and controlled so as to minimise, to the greatest extent possible, the need to resort to potentially lethal force (i.e. it must be absolutely necessary).
- 7.3 Plans should be the subject of constant review. Intelligence updates may lead to variations in the assessed level of threat which will, in turn, require the modification of the plan (and a further corresponding briefing of operational officers).

Documentation

- 7.4 All plans should be recorded, this will include the consideration of options rejected or progressed together with the reasons why such conclusions were drawn and by whom.

- 7.5 Incidents involving police officers' use of firearms may be the subject of scrutiny in a number of forums. Forces will wish to ensure that records are kept which will be sufficient to meet these needs. From a Gold Commander's perspective records will permit reviews of ongoing operations as well as audits after an operation has reached a conclusion.

Briefing

- 7.6 The briefings given by senior officers are of great significance in ensuring effective Command of an operation. If at all possible AFOs, unarmed officers, and any other agencies involved in an operation, should be briefed together concerning the basic plan.
- 7.7 Commanders should be mindful that the content of the briefing may directly effect the response of armed officers to any subsequent perceived threat from the subject.
- 7.8 Officers providing briefings should stress the aim of any operation including specifically the individual responsibility of officers and the legal powers anticipated to be used in all aspects of the operation. Such briefings should be recorded in a manner prescribed by local policy having regard to the Criminal Procedure and Investigations Act 1996.
- 7.9 Commanders (including immediate supervisors) should appreciate that, where AFOs have been authorised and responded to a spontaneous firearms incident, they may well be operating from limited information that has not been validated or current, and have not had the benefit of a formal briefing. An early consideration should be to make a full assessment of all the available information and the setting of an appropriate strategy and tactical plan. The Commander should then ensure that AFOs and other deployed officers are briefed by available means of communication.
- 7.10 Commanders should confirm their lines of communication to officers (AFOs and unarmed), once they have been deployed. It is imperative that, as the circumstances and the intelligence change, they are updated and further briefed where necessary.

8. WELFARE ISSUES

- 8.1 It should be recognised by all AFOs and supervisors that lack of sleep and working excessive hours is known to be a factor that can contribute towards slow reactions, poor judgement and irritability. Those in positions of Command need to be particularly aware of the difference between officers being operationally committed and simply being on duty, i.e. being operationally committed will be more tiring than being on standby in a relaxed mode.
- 8.2 Typical tours of duty for AFOs are eight or ten hours. The need to perform duty beyond those times may be necessary in certain circumstances. While this protocol applies to all AFOs, it is particularly relevant to those in specialist operational teams.
- 8.3 The primary aim of most operations involving AFOs is to safeguard the public. This will involve the necessity to identify, locate, contain and neutralise the threat posed. While conflict management by the police service normally aims to manage / minimise threats, the degree of threat justifying the deployment of AFOs is such that it must be neutralised (i.e. ensuring no continuing threat exists).

- 8.4 The deployment of armed surveillance officers, in teams of two or more operatives, will allow one officer the opportunity to rest. If the circumstances are such that an officer is deployed singly, or that insertion and extraction of the officer/s would result in their tour of duty being excessive, contingency plans should be developed to facilitate their relief or rest.
- 8.5 There will be instances when the time parameters of an operation have already been determined and no arrangements for replacement officers have been made. (Operation not expected to exceed twelve hours). Information or intelligence updates may, however, dictate the need for continued deployment of firearms resources.
- 8.6 In this case, the Silver Commander, in consultation with the Bronze Commander responsible for the supervision of the armed officers, will determine whether or not to seek replacement officers. In considering this decision the following factors should be taken into account:
- a. Any delay in replacement caused by travel, briefing and preparation.
 - b. Viability of a handover within the ongoing deployment.
 - c. The estimated length of the continued deployment.
- 8.7 Police officers must not be expected to endanger their own lives or the lives of their colleagues in ill-considered attempts at rescue, or to effect an early arrest. However, in accordance with the primary aim, an early consideration must be the deployment of police officers between any threat and the public. Consequently, the availability and deployment of trained and equipped AFOs provides the service with an appropriate armed response which meets the aim to safeguard the public.
- 8.8 Where officers are required to work a period of duty that is well in excess of twelve hours (e.g. on standby as part of a Dynamic Intervention capability or as Protection Officers) and no further resources are available, then the following should be considered:
- a. That suitable facilities are provided for rest and refreshments.
 - b. That the opportunity for rest and comfort breaks may be extensive and regular due to the imprecise nature of the operation.
- 8.9 All rest periods and refreshment breaks which are taken should be recorded.

Medical Assistance

- 8.10 Steps need to be taken to ensure that early medical attention will be provided for any casualties, whether they be police officers, the subject or any other members of the public. The provision of appropriate facilities should always be considered at the earliest possible stage. This might involve the availability of officers trained in relevant First Aid measures and/or the placing of an ambulance on standby.

Investigations

- 8.11 Where investigations arise from a shooting incident, there is a direct effect on welfare of all those involved. All those in a command position have responsibilities in relation

to the procedures which are detailed in Chapter 6.

9. DE-BRIEFING

- 9.1 All operations involving the deployment of AFOs, other than routine protection and convoy duties, should be subject of a report and analysis, and larger or protracted operations should include arrangements for a specific de-briefing session. The aim is to identify any aspect of the Command structure, tactics or equipment used which demonstrated good practice or caused a problem, from which learning should result.
- 9.2 The ACPO Working Group on the Police Use of Firearms has a continuing interest on behalf of all forces in lessons learned from operations.

10. CROSS-BORDER / MULTI AGENCY OPERATIONS

- 10.1 Occasions may occur when a Chief Officer agrees to assist another law enforcement agency (e.g. Customs and Excise, UK Atomic Energy Authority Constabulary, HM Prison Service) with an operation which is within the force area and where the appropriate authority to issue firearms is given. This raises issues over the structure of Command and any necessary transfer of responsibility.
- 10.2 Similar issues arise where operations involving the deployment of AFOs cross over borders between Forces (including the different legal jurisdictions of England and Scotland).
- 10.3 When firearms are issued in any of these circumstances it is obviously important that everyone involved should understand who is in Command of each part of the operation (a Command Protocol may be a useful means of clarifying this – see paragraph 5 above). Close co-ordination and detailed planning between the organisations concerned is fundamental and should normally be agreed at ACPO level or its equivalent level of management in the organisations concerned.
- 10.4 Further guidance, including protocols agreed with specific organisations, is included in Part II of this Manual (Chapter 10).

11. CONCLUSION

- 11.1 The basic system of Command recommended in this Chapter can be applied to all operations involving the deployment of AFOs, albeit with slight variations in the light of circumstances and resources immediately available.
- 11.2 The system can also be used for many other policing operations of a size and importance that warrants it. If the structure is regularly employed this will serve to familiarise police staff with the Command structure, responsibilities and terminology, improving operational effectiveness.

ANNEX 4A

ROLE OF GOLD COMMANDER

Gold Commanders should consider what strategy should be adopted and whether any tactical parameters need to be set. This consideration should be with a view to exercising appropriate control over the deployment of potentially lethal force.

They should make use of the Aides Memoire on spontaneous or pre-planned operations as appropriate. Gold Commanders may also wish to seek the advice of a Tactical Advisor concerning the potential operational effect of setting tactical parameters.

During an operation involving the deployment of AFOs a Gold Commander:

- a. is the officer in overall strategic Command and has responsibility and accountability for the operation.
- b. is required to resource the operation.
- c. chairs meetings of the strategic co-ordinating group when they are held in the event of a multi-agency / multi-discipline response to an incident.
- d. is required to set, review and update the strategy – which may include some tactical parameters.
- e. should be in a position to maintain an effective strategic Command of the operation.
- f. is required to consult with partners involved (if any) when determining strategy.
- g. should maintain a strategic overview and should not become drawn into tactical level decisions.
- h. should remain available to the Silver Commander if required.
- i. should ensure that the strategy for the operation / incident is documented in order to provide a clear audit trail, including any changes to that strategy.
- j. is responsible for ensuring the resilience of the Command structure and the effectiveness of the Silver Commander.

Operations involving more than one area of activity require the introduction of a Command structure that can deal with potentially competing demands. Command protocols reduce risk and inform and direct decision making by allowing Commanders to know what they are expected to achieve and how they will combine with others and their objectives.

ANNEX 4B

ROLE OF SILVER COMMANDER

Make use of the Aides Memoire on spontaneous or pre-planned operations as appropriate. During an operation involving the deployment of AFOs a Silver Commander:

- a. should make a full and detailed assessment of the information available and consult the Tactical Advisor.
- b. is responsible for developing and co-ordinating the tactical plan in order to achieve the strategic intention of the Gold Commander within any tactical parameters set.
- c. is responsible for ensuring that all officers/staff are fully briefed.
- d. should be so located as to be able to maintain effective tactical command of the operation (on mobile operations – immediate information will often be required which may involve the command vehicle accompanying convoy).
- e. should ensure that all decisions are documented in the Command Log in order to provide a clear audit trail.
- f. provides the pivotal link in the command chain between Bronze Commanders and the Gold Commander. This ensures all other commanders are kept apprised of continuing developments.
- g. must constantly monitor the need for firearms (i.e. the information can change at any time).
- h. has the responsibility to review, update and communicate changes in the tactical plan to Bronze Commanders and, where appropriate, the Gold Commander.
- i. must hold a full and thorough de-brief on conclusion of appropriate incidents.
- j. in the case of Interceptions as a tactical option – specific authority required in accordance with Force procedures.
- k. consider any application for the use of Specialist Munitions, pyrotechnic devices or CS (or refer to the Gold Commander if appropriate).
- l. when appropriate consider providing a suitable explanation for the actions taken. On occasions some form of apology may be required.

The ultimate responsibility for the management of the incident and deployment of resources rests with the Silver Commander after consultation with a Tactical Advisor.

CHAPTER 5 - USE OF FIREARMS

1. INTRODUCTION

- 1.1 This chapter provides an overview of the Police Service's use of firearms and the tactics, training and different capabilities involved, as well as individual officers' responsibilities in accordance with the law.

2. CIRCUMSTANCES WHEN WEAPONS MAY BE FIRED

- 2.1 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.
- 2.2 Police should not normally fire warning shots. There are serious risks associated with the firing of such shots, which have the potential to cause unintentional death or injury. They may also lead a subject or other officer to believe that they are under fire. **(Warning shots are not permitted in Scotland)**
- 2.3 An officer will only be justified in resorting to the discharge of a warning shot(s) in the most serious and exceptional of circumstances, where failure to do so would result in the loss of life or serious injury. Police officers who discharge a firearm under any circumstances must give full consideration to public safety.
- 2.4 The test of using '**force which is no more than absolutely necessary**' as set out in Article 2 (2) of the European Convention on Human Rights, should be applied in relation to the operational discharge of any weapon.

3. INDIVIDUAL OFFICER'S RESPONSIBILITY

- 3.1 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 constitute an assault and must also be reported and recorded.

4. ORAL WARNING

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

5. AUTHORITY TO FIRE

- 5.1 A Gold or Silver Commander can authorise when shots MAY be fired but such authorisation will not exempt an individual from their responsibility. No general rule can be laid down and much will depend on the circumstances of individual incidents.

However, it may also be appropriate for a Commander to direct that shots WILL be fired. Such a direction will not exempt an individual from their responsibility and, therefore, must always be supported by appropriate and necessary information to justify the firer's actions. An example of circumstances where directed fire may be necessary would be in seige or terrorist incidents e.g. suicide bombers.

6. OPENING FIRE

- 6.1 When it is considered necessary to open fire on a subject, using conventional ammunition, police officers need to shoot to stop an imminent threat to life. The imminence of any threat should be judged, in respect to the potential for loss of life, with due regard to legislation and consideration of necessity, reasonableness and proportionality. Research has indicated that only shots hitting the central nervous system (which is largely located in the central body mass) are likely to be effective in achieving rapid incapacitation. Shots which strike other parts of the body cannot be depended upon to achieve this.
- 6.2 Research has also shown that the accuracy of shots fired under training conditions is generally greater than in operational circumstances. Police officers are therefore normally trained to fire at the largest part of the target they can see which in most cases will be the central body mass.
- 6.3 Alternative points of aim will be appropriate for approved less lethal technologies in accordance with guidelines, i.e. the use of baton rounds with the intention that they should strike the lower part of a subject's body. As no such technology can be guaranteed as non-lethal, opening fire with such weaponry should only be considered within existing legislation in respect to necessity, reasonableness and proportionality and should only be with the intention to stop an imminent threat to life or of serious injury. This acknowledges that, in law, consideration of proportionality would indicate that it may be lawful to use less lethal technologies before weapons firing conventional ammunition. This is not intended to be a hierarchy in respect to use of force, however, AFOs may be able to justify use of less lethal technologies at an earlier stage during the escalation of any threat.
- 6.4 Officers should constantly assess the need for any further action depending on the threat posed.

7. PUBLIC IMAGE OF POLICE OPERATIONS

- 7.1 Police operations involving the deployment of AFOs are of particular interest to the media and the general public. The reputation of the Police Service 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.
- 7.2 The overriding principle is that officers should be readily identifiable as police officers. They should therefore, whenever practicable, wear unmistakable Police uniform but it is recognised that different clothing may be worn for operational reasons.
- 7.3 As a general rule, camouflage type clothing is required only by Rifle Officers engaged in surveillance.

8. BASIC PRINCIPLES OF TACTICS

- 8.1 Police officers are at greatest risk when called upon to deal with armed subjects if they act upon their own initiative. A form of tactics is necessary in order to minimise danger, particularly in the early (and probably unarmed) stages of an incident.
- 8.2 Tactics can be defined as 'plans and means in carrying out a scheme or achieving some end'. They should be formed by the application of common sense, reinforced by teamwork, a knowledge of firearms including their capabilities and limitations, some special techniques and a knowledge of the law. The tactical options then used will depend upon the information available and the threat assessment made (referred to in the Conflict Management Model in Chapter 2 and expanded in Part II of this Manual).

Aims

- 8.3 The aim of most operations involving AFOs is to IDENTIFY, LOCATE, CONTAIN, and NEUTRALISE the threat posed. While conflict management within the Police Service normally aims to manage / minimise threats, the degree of threat justifying the deployment of AFOs is such that it must be neutralised (i.e. ensuring no continuing threat exists).

Investigative Assessment

- 8.4 Tactics should be sufficiently flexible to take into account situations where the initial intelligence is insufficient to confirm or negate the nature or existence of a threat. In such situations further investigation by unarmed officers may be deemed inappropriate. Consideration should be given to further investigative assessment (with authorised firearms deployment) being carried out by AFOs in a more discreet operation with the following aims:
- a. To gather sufficient information to either confirm or negate the intelligence in respect of the nature or existence of a threat.
 - b. To be in a position to immediately contain the situation should the need arise.
 - c. To be in a position to neutralise the threat, again, should the need arise.

Right to Life

- 8.5 It is the duty of the Police Service to safeguard the public.
- 8.6 In keeping with the principles of the European Convention on Human Rights (ECHR) the rights of all people must be considered, including those of the subject. Each individual's right to life is absolute. However, potentially lethal force may be used if it is absolutely necessary for the legitimate aims outlined in Article 2 of the ECHR.
- 8.7 Police officers must not be expected to endanger their own lives or the lives of their colleagues in ill-considered attempts at rescue, or to effect an early arrest. However, in accordance with the primary aim, an early consideration must be the deployment of police officers between any threat and the public. Consequently, the availability and deployment of trained and equipped AFOs provides the service with an appropriate armed response which meets the aim to safeguard the public.

9. ENVIRONMENTS

- 9.1 Each of the following tactical options has the potential to interfere with individuals' rights under the ECHR and should therefore only be used when it is considered that the option is lawful and a proportionate response to an identified threat.

Armed Subjects in Buildings

- 9.2 Police officers constantly visit premises in the course of their normal policing duties for a wide variety of reasons. These visits are usually carried out by unarmed officers but there are occasions, when an assessment of the threat level and the application of the criteria for the issue of firearms means the sending of unarmed officers is not appropriate.
- 9.3 The tactics adopted in such cases will be governed by the information available concerning the potential threat but at the lowest level it may be necessary to do no more than arm the officers for their own protection when going to a particular address. In these circumstances, the weapons should usually be carried covertly holstered. Once the officers have completed their attendance, they will normally leave without anybody in the vicinity being aware that an operation involving AFOs has taken place.
- 9.4 When the threat assessment is greater the tactics used are likely to be more overt.
- 9.5 A factor for early consideration will be whether the subject is aware of police officers' presence. Entry into premises by AFOs exposes them and any persons in the building to a high degree of risk. When practicable the tactic likely to be adopted, once a subject is aware of police presence, will be one of containment and negotiation resulting in the subject leaving the premises voluntarily.
- 9.6 The option is also available to enter premises with the intention of arresting the subject and securing evidence before they can react if they are not aware of police officers' presence. Even so, entry to premises, especially family homes, should only be attempted after a specific analysis of all the information, all the options, and a positive decision that entry is the necessary tactic.
- 9.7 If the subject is aware of police officers' presence, it may still be necessary for police to enter premises to save life. These situations may include:
- a. A situation involving hostages, where shooting or other extreme violence commences or is anticipated, and it is believed that lives are at risk.
 - b. Immediate pursuit of an armed subject, in order to protect lives.
 - c. A situation where all other means of attempting to establish contact with the subject or occupants have failed or are not practicable, then entry can be made to locate the subject. (In these circumstances entry should be slow and methodical with the sole object of locating the subject).
- 9.8 It is necessary to distinguish between Dynamic Intervention in hostage rescue situations, and Dynamic Entry to arrest and secure readily disposable evidence. In

the former the rescue of hostages is the primary aim, in the latter the benefits of protecting persons from unlawful violence by securing evidence to place before the Courts must be considered alongside the risks to all of those involved.

Armed Subjects in the Open

- 9.9 The particular characteristics of large rural and urban environments present their own difficulties when pursuing the aims of an operation involving the deployment of AFOs.

Rural Environment

- 9.10 Containment of the search area will be the first aim.
- 9.11 Maps and the full use of local knowledge of the area concerned (together with aerial photographs if available), should be considered to identify possible places of concealment / observation.
- 9.12 The search of open areas, woods, moorland and built up areas is a difficult and arduous task requiring substantial numbers of people and amounts of equipment.
- 9.13 The terrain and obstacles will dictate the speed of search operations and the priority of areas to be searched. The Silver Commander may decide to search obvious areas of concealment first. Searching during darkness should only be carried out if absolutely necessary otherwise the area should be secured until daylight. Aerial observation or technical methods, such as heat sensors may be considered.

Urban Environment

- 9.14 Subjects in the urban area present particular difficulties for policing operations. The risk to the public is high because of the density of the population, as is the potential for the taking of hostages. Police officers' action must be positive and structured to quickly contain the location and minimise the risks to all people.

Situations Involving Public Disorder

- 9.15 There are further considerations which arise where there is a need to deploy AFOs and/or Baton Gunners amid, or even because of, a threat arising from a situation of public disorder. These are outlined in Part II of the Manual.

Armed Subjects in Vehicles

- 9.16 Full account must be taken of the implications for road safety, the ACPO Road Policing policy on pursuits, and the legal constraints concerning the use of force.
- 9.17 There are many situations where the police officers may have to deal with armed or potentially armed subjects in vehicles. Some of which are detailed hereunder:
- a. Armed Interceptions
 - b. Checking stationary subject vehicles

- c. Observation points
 - d. Static Vehicle Interception Points
 - e. Proactive Road Checks
 - f. Armed subjects travelling on motorways
 - g. Stopping armed subjects at pre-nominated static containment sites
 - h. The improvised positive road block
- 9.18 Total physical obstruction of the road is inherently dangerous and should be implemented only in extreme circumstances and in accordance with individual Force policies and training. A following operation, regardless of distance, may be preferable and this should always remain an option.
- 9.19 Where there are any suspicions that the occupants of a vehicle are in possession of a firearm, then unarmed police officers should not normally attempt to stop the vehicle and armed assistance should be sought. However such officers should be considered to deal with road safety aspects.
- 9.20 The use of air support, when available, will assist in monitoring the progress of subjects in vehicles.

Armed Police Interceptions

- 9.21 The aim of this section is to outline the guidance for operations initiated by the Police to intercept armed subjects as a result of information that a wanted person will be in a certain location at a particular time, or that an armed attack is anticipated on a person, premises, or vehicle.
- 9.22 The co-ordination of the plan will be of paramount importance to ensure that officers act in unison, when the Silver Commander decides that the plan will be activated.
- 9.23 The exposure of officers to the greater degree of risk that this type of operation entails requires that they be given suitable and adequate protection.
- 9.24 Uniformed reserves should be available at a discrete distance to quickly respond to support plain-clothes officers and to deal with members of the public.
- 9.25 Throughout any operation involving the deployment of AFOs, there is a requirement to regularly review the need for their deployment. This is particularly important in interceptions involving armed officers. If as a result of this review, or changing circumstances it is considered that the armed interception is no longer appropriate, then the operation should be aborted or modified.
- 9.26 An alternative to this option is to saturate the area with uniformed officers to deter the subjects from carrying out their criminal act.

Intention to Arrest / Intercept

- 9.27 An armed interception during the commission of an offence may increase risks to

the lives of the people involved. It may even be necessary to abort an operation on the grounds of public safety

- 9.28 Factors which may have a bearing on the decision include:
- a. The likelihood or otherwise of intelligence or surveillance establishing a better opportunity / location for arrest.
 - b. The danger to which people may be exposed while the destination is established, contained and an arrest plan activated.
 - c. Availability of sufficient time to plan other options and the prevailing circumstances at the destination.
 - d. The necessity of preventing the commission of crimes which may involve danger to the public on this occasion or in the future.
 - e. Availability of suitably trained officers and equipment.
- 9.29 In all circumstances, the risks of employing an option must be balanced with the risks of not employing it. It should be appreciated that, as in any confrontational situation, there are inherent dangers. The elements of speed and surprise are essential in minimising any risk to people.
- 9.30 If at any time the circumstances which justified an arrest plan/interception change and the risks involved outweigh the benefits, the operation should be aborted. The area may be saturated with uniformed officers to deter the subjects from carrying out their criminal act, but a contingency plan should also be prepared for the contingency that such saturation may not deter the criminals.
- 9.31 It may be desirable that opportunities are sought to arrest prior to the commissioning of an offence (even if this is for lesser offences) rather than putting individuals at further risk. If this is not possible, then opportunities to arrest following the offence can be sought.
- 9.32 See Chapter 3 (Authority to Issue) for the authority level required for the interception of subjects going to, at or leaving a crime scene.

Surveillance

- 9.33 Surveillance operations in circumstances that require the deployment of AFOs can take a number of forms:
- a. Where it is not known whether the subject intends to carry out an offence or conduct a reconnaissance. In these circumstances, the intention will be to conduct a surveillance operation to gather intelligence / evidence and not necessarily to effect an immediate arrest.
 - b. More precise situations where a mobile surveillance operation has been mounted with the intention of arresting subjects. There are a number of options available in order to effect the arrest of subjects in these situations, not all of which involve the enforced stopping of vehicles.

- 9.34 In either case, the operation could involve armed mobile surveillance, armed interception of a mobile subject, or an armed operation in different environments (e.g. rural/urban). Each of these requires different considerations.
- 9.35 Command structures should be in accordance with those already set out in Chapter 3. The Silver Commander should be located in a position where they are able to collate, address and react to changing situations. In many circumstances this will include being positioned in the convoy.
- 9.36 The location and timing of any vehicle interception is of great importance in ensuring a successful outcome (with full consideration for people's safety). It therefore requires a positive decision by the Silver Commander to implement such a tactic after a balancing of the likely effects of the different options available.

Waterborne Transportation

- 9.37 The Police Service does not, unless in extreme circumstances, undertake operations on water which involve AFOs disembarking at a point where there is an immediate threat from firearms. Should this be a consideration, a rigorous risk assessment must be conducted.
- 9.38 When waterborne transportation crosses Force boundaries, the same protocols will apply as if the operation was on land.
- 9.39 The ACPO Diving and Marine Working Group has produced a Code of Practice for the Construction, Machinery, Equipping, Certification and Crewing of various classes of "police craft".
- 9.40 The responsibility for the safety of the craft, personnel and any equipment on it, rests at all times with the officer in charge of the craft.
- 9.41 Marine officers who are being engaged as crew members of the craft, but are also trained as AFOs should not undertake the latter role during the operation.
- 9.42 All transportation by water should be conducted from craft owned or operated by the Police Service, which should be capable of carrying a minimum of four AFOs in addition to the crew. However, the use of other certified craft may be considered when the need is merely to convey AFOs by water to a site where there will be no immediate operational deployment at that site.
- 9.43 For safety reasons there should never be less than two craft engaged in transportation by water.
- 9.44 It is recommended that where Forces have a marine capability or have AFOs they wish to train for such a capability the syllabus in Part III should be followed.

10. ROLES AND CAPABILITIES

Authorised Firearms Officer (AFO)

- 10.1 An Authorised Firearms Officer is a police officer who has been selected and trained in the use of firearms in policing operations. The officer will have reached the required

level of competency in weapon handling, tactical knowledge, shooting skills and judgement as required by the Chief Officer of the Force concerned.

- 10.2 Individual officers may have received training in more than one weapon and/or in a variety of tactics. There are also a range of specialised roles for which officers will receive specific firearms and tactical training. All AFOs are subject to refresher training and re-qualification, the frequency of which is also dependant on role.

Armed Response Vehicles (ARVs)

Definition

- 10.3 'Armed Response Vehicle' is the term generally used to define a patrolling vehicle which contains firearms, usually in a secure armoury. The vehicle is crewed by at least two police officers suitably trained in the use of weapons and equipment to be carried in the vehicle. Ideally, at least two of the officers should be qualified to drive the vehicle.

Aims

- 10.4 To provide an immediate armed response to appropriate incidents with the ability to use firearms if justified.
- 10.5 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. (This is the minimum capability – some forces may choose to train their patrolling AFOs in further specific operational tactics).
- 10.6 The role includes:
- a. Identifying and locating an armed subject which may involve search techniques.
 - b. Plans to deal with the armed subject surrendering which may include initial negotiations.
- 10.7 In addition to the primary role of ARVs in providing an immediate response to those firearms incidents of a spontaneous nature, Silver Commanders may wish to consider the inclusion of ARVs on pre-planned operations involving the deployment of firearms with due reference to tactical advice and the officers' level of training.

Deployment

- 10.8 In deploying ARVs, especially in circumstances beyond containment, consideration needs to be given to the capability remaining within the force to deal with spontaneous incidents requiring a firearms response.
- 10.9 It is important that ARVs are deployed to spontaneous incidents requiring a firearms response in sufficient numbers to effectively contain the scene of the threat. ARVs should normally be deployed to a spontaneous incident requiring a firearms response in pairs. However, there will be occasions when this criterion is impossible to meet and where only one ARV is deployed initially, every effort should be made to provide additional armed support.

- 10.10 It is also important that supervisors and control room staff are aware of the terms of reference for ARV deployment.

Dynamic Entry to Buildings

- 10.11 Dynamic Intervention to rescue hostages should be distinguished from a Dynamic Entry to arrest and secure readily disposable evidence, both of which are intended to protect life.
- 10.12 To be successful, Dynamic Intervention and Dynamic Entry require a high degree of teamwork and rehearsed methods. Both, by their nature, create a situation in which decision making under stress becomes critical. Individual officers tasked with undertaking such an entry require a high level of skill and adaptability.

Rifle Officers

- 10.13 In certain types of incident the deployment of Rifle Officers will be appropriate in order to make use of their skills in observation, logging, and concealment in both rural and urban environments. Their capability in precision shooting will provide a containment facility over longer ranges and an additional option for consideration by the Commanders of hostage situations.
- 10.14 Rifle Officers should be deployed in pairs at each position to enable one officer to act as observer / radio operator, and the other to provide the rifle cover. This will provide for a sharing of roles and reduce the isolation and possible vulnerability of individual officers.
- 10.15 Factors bearing on the number of Rifle Officers in each Force include:
- a. the requirement for sufficient initial cover, including the provision of relief for the duration of incident which may become protracted.
 - b. any requirement to provide roof top cover for pre-planned security operations and the need for a capability to dispatch dangerous escaped animals which cannot be dealt with by any other means.

Air Support

- 10.16 Apart from the carriage of officers, weapons and other equipment air support can provide assistance to the operation in the following ways:
- a. Flood lighting of an area.
 - b. Public address.
 - c. Thermal imaging.
 - d. Video down-link (enabling observations from safe distance).
 - e. Distraction (may distract police officers as well as the subject).
 - f. Over-flight to give an overview.

- g. Aerial Photography.

Dog Support

- 10.17 Consideration should be given to the deployment or availability of police dogs at all incidents involving the deployment of AFOs.
- 10.18 Police dogs may be attached to any of the groups involved in such an incident i.e. Cover Group, Entry Team etc. The primary uses of a police dog in these circumstances are:-
 - a. Pursuit and apprehension of subjects.
 - b. Tracking and searching of open ground.
 - c. Initial search of buildings, vehicles etc.
 - d. Restraint of Compliant Subjects
- 10.19 An additional option, where available, is the use of Firearms Support Dogs, which are trained specifically to assist in operations involving the deployment of AFOs, and are trained in a greater range of disciplines. Details of the capabilities and limitations of these dogs are contained within the Police Dogs Training and Care Manual.
- 10.20 When deployed as a Dog Handler, this is the officer's primary role. In these circumstances, any firearm issued to the officer is for personal protection or emergency use only. The Dog Handler should not be regarded as part of a firearms team but should have an appreciation of firearms tactics and participate in training with AFOs

Protection Officers

- 10.21 The objective of Protection Officers is to keep alive the person (or 'Principal') who is being protected either by eliminating the possibility, or minimising the effect, of any attack. In the United Kingdom this has traditionally been achieved in a discreet and unobtrusive fashion by striking a balance between the Principal's wishes, protocol requirements and appropriate security measures, i.e. managing the risk.
- 10.22 Personal protection may be provided to members of the Royal Family, other VIPs and others who are at particular risk (e.g. some witnesses).
- 10.23 Guidance on the role of Protection Officers, the policy and tactics they adopt and the training required, is to be found in the confidential document – ACPO Manual of Guidance on Protection Duties.

11. WEAPONS AND SPECIALIST MUNITIONS

- 11.1 The selection of weapons to be used is a tactical decision which is made taking various factors into consideration. These factors are listed below: -
 - a. The level of force required to meet the threat

- b. The type of situation to be dealt with
- c. The likely distance between the armed police officers and the threat
- d. Information received as to the weapon/s used by the subject
- e. The operational environment
- f. The training & experience of the AFOs involved

11.2 At short range, revolvers, self-loading pistols and carbines firing handgun ammunition may be appropriate.

11.3 At greater distances, rifles and carbines using rifle ammunition may be appropriate.

Less Lethal Options

11.4 The term 'Less lethal options' is employed to indicate weapons, devices and tactics, the design and intention of which, is to induce compliance in pursuit of a legitimate aim by the Police without a substantial risk of serious or permanent injury or death to the subject on whom they are applied. In other words, the desired effect is to control and then neutralise a threat without recourse to lethal use of force. Whilst the actual outcome may, on occasions, be lethal, this is less likely than as the result of the use of firearms.

11.5 The development of 'less lethal options' is an area that requires sustained research. It is necessary to ensure that any force used is proportionate to the seriousness of the apparent threat, and appropriate options in this area assist adherence to that principle.

11.6 The Police Service continually seeks to identify appropriate 'less lethal options'. The process is carried out in conjunction with the Police Scientific Development Branch.

Specialist Munitions/Equipment

11.7 Armed officers have a range of munitions which can be used when carrying out specific tasks. The equipment can be broken down into three types:

- a. Less lethal options (including Incapacitants)
- b. Attraction/Distracton devices
- c. Entry tools

11.8 It is important to realise that Specialist Munitions have the potential to cause injury even when used correctly. In some cases the danger is minimal but in others the injury could prove fatal. Officers handling or using these devices must therefore be trained in their characteristics and proper use. In particular they should be aware of the danger from secondary fragments that may be potentially injurious.

12. TRAINING

- 12.1 Training is dealt with separately in the document entitled 'National Police Firearms Training Curriculum'.

13. DEALING WITH PEOPLE

- 13.1 Police officers at, or surrounding the scene of an incident involving the deployment of AFOs may well encounter people in a number of different contexts with an appropriate response often being a matter of life and death. The following sections seek to briefly outline the general considerations necessary in the circumstances outlined.

Handling Suspects

- 13.2 This section addresses the control and arrest of subjects by armed officers once they have been located, contained and are apparently submitting to police officers' directions. All AFOs should receive training in handling suspected armed subjects.
- 13.3 The close proximity of subjects to officers with firearms at the final stages of an incident presents risks. These stages are likely to be the most dangerous phase and constitute the subject's last chance to escape.
- 13.4 Officers with firearms are at risk of being disarmed unless care is taken.
- 13.5 It is important that sufficient officers are present to provide a suitable response. No action, unless necessary, should be taken to arrest subjects without adequate resources. Dog Handlers, batons and, where available, incapacitant sprays should be made available wherever possible to enable the police officers at the scene to deal with any threat using only such force as is absolutely necessary.
- 13.6 The general approach to handling subjects in operations involving the deployment of AFOs should be similar whether the incident is planned or spontaneous.
- 13.7 Officers must be aware of their arcs of fire at all times, in order to prevent weapons being pointed at their colleagues or other persons who are unlikely to be subjects or pose a threat.
- 13.8 The requirement will be determined by the circumstances of each individual case but the following arrest procedure should be considered.
- 13.9 On first verbal contact, officers should:
- a. identify themselves as police officers to the suspect and the fact that they are armed.
 - b. identify the suspect by name or by an identifying feature.
 - c. establish control by requiring the suspect to stop moving and put their hands in view.
 - d. arrest the suspect in accordance with the provisions of P.A.C.E. and consideration of Article 5 of ECHR.

- 13.10 The exact position to which the suspect will be directed should be made clear to the officers and the suspect. Full account should be taken of advice in the ACPO Personal Safety Manual on the positioning of detainees.
- 13.11 The suspect should be given clear and concise instructions to direct them to the position in which they can be arrested, searched, and if necessary, handcuffed.
- 13.12 Ideally, one officer should be responsible for verbal control. If a second officer is involved, care should be taken not to give conflicting instructions.
- 13.13 Suspects should not be approached to be physically detained or handcuffed until the officers are satisfied that all threats have been minimised. Officers should not hurry to arrest the suspect. Primary concern should be to establish control in a professional manner taking time to plan the arrest procedure if possible.
- 13.14 Ideally unarmed officers identified to act as arrest officers should be used to avoid the risks of cross contamination particularly in cases of arrest of suspects believed to have carried or used firearms. Armed officers may provide firearms cover while unarmed officers undertake the arrest and handcuffing. Care should be taken to transport prisoners in 'clean' vehicles. Where possible arresting officers should not travel with officers who are or have been carrying firearms to avoid cross contamination. Prisoners should not be transported from the scene with armed officers.
- 13.15 With respect to the use of physical force, the case of *Ribitsch v. Austria* deals with this issue where it is stated:
- “The Court emphasises that, in respect of a person deprived of his liberty, any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention.”

Cordons

- 13.16 The Police Service contains incidents and controls public access to areas by use of Cordons. These are not established in a random manner, but are deployed according to specific strategies, in order to ensure Public safety, and to contain the threat.

Special Population Groups

- 13.17 The term Special Population Group is used to describe a group of people who do not behave in an expected, rational manner as a result of some form of mental impairment (either permanent or temporary).
- 13.18 For example this impairment may be caused by a range of psychiatric disorders or the consumption of drugs or alcohol. Similar issues may be encountered when there are communication difficulties such as when the subject is deaf or has a different first language.
- 13.19 Failure to recognise why someone is not complying with instructions or the inability to communicate may escalate the tension of the situation and result in inappropriate behaviour either from or to the subject.

- 13.20 Rational individuals are likely to respond to the arrival of armed officers in a more predictable fashion than members of a Special Population Group, either surrendering or acting aggressively.
- 13.21 However, those who are not thinking or behaving rationally may not realise the seriousness of their own situation, or respond to normal negotiating strategies; nor may their response to weapons (be they conventional firearms or less lethal options), be that of the “normal” person.
- 13.22 It is important that both Negotiators and AFOs have an understanding of how disturbed people or those who have their perceptions altered through alcohol or drugs may respond to communications from police officers. It may be necessary to use language and tactics different to those used when dealing with more rational individuals.
- 13.23 Certain factors have been identified, which may give an indication as to whether a subject is a member of a Special Population Group, and assist in determining the threat these individuals pose. Some of these factors are listed below: -
- a. Alcohol / drugs consumed or present
 - b. Hopelessness
 - c. Depression
 - d. Delusions or hallucinations focused on one person
 - e. Preoccupation with violence,
 - f. Delusions of control especially with violence theme,
 - g. Agitation, excitement,
 - h. Hostile, suspicious,
 - i. Low self-esteem,
 - j. Poor collaboration,
 - k. Antisocial, explosive temperament,
 - l. Repetitive threats,
 - m. De-personalised talk,
 - n. Statements of suicide or the desire to die.
- 13.24 However, due to the unpredictable nature of Special Population Groups, these indicators are purely a guide, and cannot be guaranteed to establish beyond doubt - either by their presence or absence - whether an individual is in fact a member of a Special Population Group, or indeed how much of a threat the individual poses.
- 13.25 Action, which may reduce the risk of a fatal confrontation, includes:

- a. Prior intelligence gathering which may indicate an individual's intentions. These indicators may include previous suicide attempts, psychological disorders, particularly schizophrenia and regular alcohol and drug abuse.
 - b. Training AFOs in basic negotiating skills so that they can talk with as well as challenge a subject.
 - c. Early use of trained negotiators.
 - d. Contact with appropriate medical / social worker professionals for advice / intelligence concerning subject's behavioural patterns.
- 13.26 It should also be borne in mind that the subject may be trying to force the police officers into a provoked shooting.
- 13.27 The term provoked shooting, refers to those incidents in which an individual, determined on self-destruction, engages in a calculated life-threatening criminal incident in order to force a police officer or another individual to shoot them.
- 13.28 The initial application of the basic principles of tactics is in essence no different from other operations involving the deployment of AFOs. Indeed it is important that these basic principles are complied with in order to contain the threat as soon as practicable. However tactical considerations which may be of particular importance in this type of incident, include:
- a. Use of effective cover by police officers,
 - b. Evacuation of immediate area,
 - c. Be prepared to back off (if safe),
 - d. Giving available space and time to the subject when considering containment,
 - e. Early negotiation.
- 13.29 This may allow:
- a. The tension to diffuse,
 - b. The effects of alcohol or drugs to wear off,
 - c. The subjects mental / emotional state to stabilise.
- 13.30 A rational response from the subject **may** then result, allowing them to be dealt with in a controlled manner.
- 13.31 **The fact that the subject is a member of a Special Population Group does not in any way reduce the harm they may inflict if the incident is not resolved.** Particularly in cases of provoked shootings, the subject may escalate the level of threat to both the public and the Police in an attempt to provoke a lethal response to their actions.
- 13.32 It is the role of the Police to deal with the threat irrespective of any motivation.

- 13.33 If a member of a Special Population Group has been dealt with by the deployment of AFOs, consideration may be given to the holding of a Potentially Dangerous Offenders or similar meeting with other agencies. The intention would be to prevent any recurrence of the threat to public, Police Officers, or the subject themselves

Hostages

- 13.34 It may well be difficult in confused circumstances to separate hostages and subjects inside a building. It may be necessary to treat all persons in the building as posing a potential threat until everyone is evacuated and identified at a safe reception area.
- 13.35 The age and physical condition of occupants will have a direct bearing on the speed with which they may be evacuated. Adequate preparation and consideration should be given to the cases of infants, the elderly, infirm, physically injured or exhausted persons.
- 13.36 Whoever they may be, panic on their part is likely and they can not be expected to be responsive to commands or to think rationally. In certain circumstances hostages may act with hostility towards their rescuers. In whatever case, they should be dealt with positively and removed from danger.

Third Parties

- 13.37 It is acknowledged that during the course of an incident, members of the public may become caught up in the incident, whilst others are also put at risk because of their location as the incident develops.
- 13.38 It is therefore vital that suitable contingency plans are drawn up to allow for these groups of people to be dealt with in an appropriate manner.

Witnesses and Other Persons Involved

- 13.39 The same considerations should be observed when dealing with witnesses, and other persons involved in the incident in order to secure their safe removal from danger areas. However it should be remembered that such people may be able to provide information which could be vital in tactical planning by the Police, and also provide evidence in subsequent investigations. After ensuring their safety, such information should be sought.
- 13.40 If it is inappropriate to take full statements from witnesses (including police officers) during the initial stages of the investigation then a record should be made of their first accounts in accordance with normal evidential procedures.
- 13.41 Witnesses' welfare should always be a prime consideration.

Family Liaison Officer/Witness Liaison Officer

- 13.42 Another early appointment is that of Family Liaison Officer for the family of any person who has been injured or died as the result of an incident involving the police officers' use of firearms. This should be done sensitively with full consideration of family wishes. Family Liaison is covered in separate ACPO guidelines and the Host Force should appoint an appropriately trained Family Liaison Officer from the outset.

Continued family liaison should be the subject of consultation between the Senior Investigating Officer and the family. Other sources such as Victim Support can also be considered.

- 13.43 In certain cases, perhaps where there are special considerations in terms of minority or ethnic groups, early consultation can be made with the Metropolitan Racial and Violent Crime Task Force who have developed some expertise in this area.
- 13.44 In the case of witnesses, they should be treated as would be the case with a witness in any prosecution and a liaison officer will often be a helpful appointment.

Explanation / Apology

- 13.45 There will be occasions when the reason for police action may not be apparent to members of the public. This may give rise to concern / anxiety, e.g. onlookers, relatives and neighbours and subjects who were innocent of any wrongdoing.
- 13.46 In such circumstances the Silver Commander should consider providing a suitable explanation for the actions taken. This may include visits to people particularly affected (ideally by a supervisor directly involved in the incident if this does not cause a conflict of interest), or the distribution of an information leaflet setting out the circumstances of police action. On occasions some form of apology may be required.
- 13.47 Depending on the effect of the operation the police service may wish to ensure that the person is aware of available support. In appropriate circumstances persons should be made aware of their options in seeking a remedy (e.g. Police complaints process).

CHAPTER 6 - INVESTIGATIONS AND REMEDIES

1. REMEDIES

- 1.1 The Police Service's use of firearms needs to take account of all parties that may be affected. Occasionally, police actions in operations involving the deployment of AFOs give rise to situations where individuals wish to challenge the decisions or actions involved. There are a number of judicial and non-judicial processes that provide for an effective remedy for such challenges.
- 1.2 The actions of police officers may be subject to the criminal law where, in the view of the Director of Public Prosecutions/Crown Prosecution Service/Crown Office, there is evidence to justify a criminal charge. The civil law provides a number of remedies - such procedures are usually invoked following consultation with a legal advisor.
- 1.3 In addition to civil remedies, complaints may be made against individual officers through the Police Service's complaints procedure. Investigations into complaints are usually conducted by the individual Force concerned however, where the situation demands, another Force may perform this function to provide a further element of independence. This complaints system is monitored by the Independent Police Complaints Commission (IPCC)/Procurator Fiscal. In Northern Ireland investigations will be conducted by the office of the Police Ombudsman. A leaflet explaining the procedures of making a complaint is available at police stations.
- 1.4 Any use of force resulting in the death of a person will usually culminate in a formal Public Inquest held by one of HM Coroners. In Scotland, Crown Counsel will almost certainly decide that a Fatal Accident Inquiry is required into the circumstances. The purpose of the Coroners court/Inquiry is to establish the cause of death and not to apportion blame or determine guilt.
- 1.5 Any instance where police officers discharge a firearm under operational conditions is usually referred voluntarily to the Independent Police Complaints Commission or in Scotland to the Procurator Fiscal. (Where death or serious injury results, this referral is mandatory.) The IPCC will appoint or approve the appointment of an Investigating Officer (nominated by the relevant Chief Officer) and will conduct, manage or supervise the investigation. In Scotland, the Deputy Chief Constable of the Police Force involved (the Host Force) will appoint an Investigating Officer whose investigation will normally be directed by the Procurator Fiscal. A Standard Operating Procedure has also been agreed between ACPO and the IPCC, a copy of which may be found at Annex 6C. Investigations will be conducted in accordance with the procedures outlined in this Chapter.
- 1.6 The Human Rights Act 1998 requires courts and tribunals to interpret domestic law in a manner which is compatible with the ECHR Articles. Section 8(1) of the Act states that a court which has found that an act or proposed act of a public authority is unlawful may grant 'such relief or remedy, or make such order, within its powers as it considers just and appropriate'.
- 1.7 A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful under the Human Rights Act 1998 may bring proceedings against the authority under the Act in the appropriate court or tribunal or rely on the

Convention right or rights concerned in any legal proceedings if they are a victim (or would be) of the alleged unlawful act.

- 1.8 It is therefore, important that the police officers (as a public authority) give due regard to an individual's rights in how they exercise their discretion.
- 1.9 Police officers may also wish to raise issues of concern and can do this informally or through internal structures. These may be raised through existing management structures or through grievance procedures. Forces also provide a system for detecting malpractice through confidential reporting procedures or through proactive reviews actioned by their Chief Constable.

2. INVESTIGATIONS

- 2.1 It is in the interests of the public, the Police Service, and everyone involved in an incident where firearms have been discharged by police officers, that subsequent procedures should be open, transparent and that the integrity of all action is maintained.
- 2.2 The following guidelines for post-incident investigation apply to cases where there has been a discharge of a firearm in policing operations which has, or may have:
- a. resulted in death or injury,
 - b. revealed failings in Command, or
 - c. caused danger to the public.
- 2.3 Any part of these procedures can be applied in other appropriate cases which should be made the subject of a thorough internal investigation in accordance with the procedures of the Force concerned (e.g. unintentional discharges of firearms, use of specialist munitions).

Unintentional Discharges

- 2.4 Due to the different environments which exist during the police use of firearms in an operational and training setting, it is necessary to consider two slightly different definitions to cover both situations. Common to both environments are the following, which separately may be referred to as an Unintentional Discharge.

Involuntary Discharge

- 2.5 In an operational setting, this may be defined as involuntary direct or indirect discharge of a weapon without deliberate or conscious intent. For example, as caused by an involuntary muscle contraction, or inter-limb interaction. (Inter-limb interaction is the involuntary contraction of the hand or finger muscles, which can be caused by: startle effect, balance disturbance or fall, or use of force with the free hand).
- 2.6 Whilst in a training environment (i.e. on the range) the definition of Involuntary would need to be qualified. This would be due to the unique controlled environment that a range or exercise setting provides. For example, if a student under range orders was to fire down range after targets had turned away, (if no danger or unnecessary damage to property was caused) this should NOT be classed as an Unintentional Discharge. As a consequence, in a training setting, involuntary

discharge may be defined as the involuntary direct or indirect discharge of a weapon without deliberate or conscious intent (such as may be caused by an involuntary muscle contraction, postural disturbance, or inter-limb interaction) whereby danger has been caused or likely to have been caused to the user or another individual or damage has been caused to property.

Accidental Discharge

- 2.7 In an operational or training setting, this may be defined as the accidental discharging of a weapon caused by mechanical malfunction of the weapon, or malfunction of ammunition. It could also be caused by a physical event that could not be prevented or foreseen by the user.

Negligent Discharge

- 2.8 In an operational or training setting, this may be defined as the negligent discharge of a weapon caused by an act, which could and should have been foreseen and prevented. This act would be accompanied by a degree of negligence or recklessness. The difficulty of this is the fine line between classifying what is involuntary and what is negligence as there is some overlap. This can be measured either objectively or subjectively or a combination of both.
- 2.9 The guidance contained in this section is for use in the circumstances outlined above. However some or all of it could be applied following any incident that merits a thorough investigation. This guidance seeks to inform as to the procedure likely to be followed and provides guidance to individuals with key responsibilities. It is essential that the procedures followed do not compromise the safety of officers or jeopardise the evidential trail.
- 2.10 Incidents involving the discharge of a firearm by a police officer are, by their very nature, highly emotive and stressful for all involved. As a consequence, both investigative and welfare considerations are to be afforded a high priority. The manner in which the Police Service responds to such incidents and the professional standards applied are naturally of great interest to the public as well, providing further reason to investigate such matters thoroughly and sensitively.
- 2.11 This chapter focuses on the needs of an investigation and those of police officers involved as opposed to the needs of witnesses and subjects / their families. This is not intended to suggest that any one of these needs is paramount and should be considered to the exclusion of all others, but other matters are dealt with more appropriately elsewhere - outside the specific focus of the Police Service's use of firearms (see also 'Dealing With People' – Chapter 5).

Purposes

- 2.12 The purpose of the investigation is to establish a true and factual account of the incident.
- 2.13 Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the ECHR. Investigations are only considered effective by the court if they are capable of leading to the identification and punishment (if appropriate) of anybody responsible for the events in question. Failure to carry out such an investigation has itself been found to be a violation of Article 2.

- 2.14 The welfare needs of those involved must be attended to whilst maintaining the accuracy and integrity of the investigation.
- 2.15 It should be borne in mind officers may be affected whether or not they fired their own weapon, and indeed even in operations when shots are not fired.
- 2.16 The Police Service must address two distinct responsibilities when dealing with such cases. The first is a duty in law to conduct a full investigation into the shooting incident. The findings of this may be placed before a Coroner's Court/Fatal Accident Inquiry or, in the case of negligence or an unlawful act, before a civil or a criminal court (or a Police Misconduct Hearing). The second duty applicable to all levels of authority comprises a legal duty of care towards staff and those affected by their actions.
- 2.17 It is intended to ensure that these responsibilities are appropriately addressed and all involved, regardless of status (public or police) are afforded the same consideration.

Scope of the Enquiry

- 2.18 An incident where weapons have been discharged by police officers will be the subject of a thorough investigation. The scope of the investigation is likely to be wide-ranging. It will not only include the circumstances of any injury to, or death of any person who may have been shot, but also the circumstances leading up to a shooting and all the surrounding issues such as the management of the incident. Some of the typical issues which may require investigating are listed at Annex 6A.
- 2.19 However, even when considering this, an Initial Investigating Officer (IIO) should be appointed by the force in which the incident occurred (Host Force) to commence a preliminary investigation to ensure the preservation of the scene, physical and witness evidence. This should include all essential initial investigative issues pending the hand over to the appointed Senior Investigating Officer (SIO). (Indeed, anticipating the hand over, the IIO and any appointed Scene Manager should make early contact with the relevant SIO.)
- 2.20 There will inevitably be a transition from the operation itself to the investigation. In this transitional phase close liaison is essential between the Silver Commander and the IIO.
- 2.21 In its early stages the investigation will involve:
- a. management of the scene
 - b. the commencement of the investigative stage
 - c. the immediate management of Principal Officers
 - d. collection of exhibits
 - e. welfare considerations
 - f. media

- 2.22 Forces should consider what staff are required to achieve these purposes and ensure that they have appropriate call-out arrangements.
- 2.23 A list of key roles and their associated responsibilities is provided at Annex 6B.

Division of Responsibilities (ACPO Officers)

- 2.24 Ensuring integrity and transparency of the post incident procedure is essential. The two distinct functions to be considered at ACPO level, and their main representatives (indicated in the brackets) are:
- a. Initiation of the investigation (Initial Investigating Officer - IIO) ,
 - b. Ensuring personnel welfare (Post Incident Manager - PIM).
- 2.25 An ACPO officer who has already played a key role i.e. authorised the issue of firearms or acted in a Command role would not normally undertake either role. Conflicting priorities must be referred back to either the ACPO officer responsible for the investigation or personnel welfare for resolution in consultation with each other. Issues must be dealt with away from the Principal Officers.

Principal Officers

- 2.26 'Principal Officers' is a term used to identify members of staff most involved in, and most affected by, an incident.
- 2.27 Principal officers in any incident where police officers have fired shots may include all Gold, Silver and Bronze Commanders, Tactical Advisors, AFOs and may include personnel beyond the immediate scene. e.g. in the force control room. An incident involving the use of firearms by police officers may affect those involved differently and it is not possible, nor should it be attempted to say who may be affected and to what extent. Both research and experience have shown that officers who have not discharged weapons or suffered injury may be traumatised.
- 2.28 Officers in positions or roles not in direct contact may be called to account for their actions in any inquiry or investigation. Consequently, to define the term 'Principal Officers' is unnecessarily restrictive. Where resources are initially limited, however, it will be necessary to prioritise actions in accordance with the level of involvement of individuals and the degree to which they have been affected.

Post Incident Manager

- 2.29 A Post Incident Manager (PIM) will be nominated by the Force to which the Principal Officers belong to act as an interface between them and the investigators. Their role is to facilitate the investigation while ensuring that the Principal Officers' welfare is also borne in mind. This will include seeking to keep them informed of developments and providing appropriate explanations of procedure as well as obtaining necessary practical assistance for them.

Immediate Actions

- 2.30 Following the discharge of a firearm, the rights of all involved need to continue to

be considered and upheld, including any immediate need for first aid / other medical assistance. The opportunity should be provided for all officers and support staff to avail themselves of the professional assistance provided by Staff Associations and the 'Host Force's' Occupational Health Services (i.e. including officers from outside the force).

- 2.31 Every effort should be made to ensure that early professional legal advice is made available in appropriate cases. In particular, because officers who have fired shots will always be subject of an investigation for potential criminal offences, they should be reminded of their right to legal advice.
- 2.32 Nothing in this chapter should be taken to add to statutory provision concerning people's rights, neither should any of it be taken to militate against people obtaining legal advice if they wish (as any person can).
- 2.33 Firearms officers should not be required to remain at the scene longer than necessary. If their continued presence is necessary and there is no specific duty for them, they should remain convenient to the scene in a nearby vehicle or building. They should leave the scene as soon as the essential requirements of immediate investigation have been met, going then to a designated venue which should afford some comfort, be secure and out of general view.
- 2.34 The Silver Commander should initially establish the basic facts of what has taken place to confirm the conclusion of the operation and enable the appropriate management of the scene. The facts provided should be restricted to a brief outline of what people **did**, what people **heard**, what people **saw** and **where** they were standing when the shots were fired.
- 2.35 Once officers involved have been able to make their initial notes (subject to medical or legal advice), copies will be required as soon as possible by the Investigating Officer.
- 2.36 It is imperative that Principal Officers are provided with support, and consideration should be given to having a suitable person, for example a trusted colleague, assigned to stay with them during the hours immediately following the incident. In appropriate cases, this person should subsequently accompany them home. Consideration should also be given to supporting the families of officers involved.
- 2.37 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. AFOs who have fired their weapons should not be segregated from other AFOs without good reason.
- 2.38 Officers should be offered an examination by a medical practitioner immediately after the incident as they may have suffered an injury of which they are not aware. All officers should be alert to the need to check for such injuries to themselves and their colleagues.

Anonymity of Officers

- 2.39 As would be considered with any witness or suspect, concerns for the safety of some Principal Officers and their families may make it necessary to address the maintenance of their anonymity at an early stage.

- 2.40 Procedures should be in place to consider the anonymity of officers prior to an operation if necessary, and subsequent should any shooting occur. It should be made clear to officers involved that anonymity cannot be guaranteed once the case falls to be heard at a public forum (such as a court). In such cases the preservation of anonymity is no longer within the control of the Police Service.
- 2.41 Measures to preserve the anonymity of Principal Officers could include:
- a. The restriction of access to systems and documents
 - b. The use of anonymous references (i.e. Officer 'A') at an early stage (with a list of such references compiled for inclusion in documents)
 - c. Omit officer details from communications and circulations
 - d. Advise officers of their responsibility to maintain confidentiality

Scene Preservation

- 2.42 Initially this is the responsibility of the Silver Commander until he/she relinquishes that responsibility to the IIO or their representative. When safe to do so, the scene of any operation requiring such investigation must be immediately secured to prevent access by unauthorised persons, the removal of vehicles or any other evidence at the scene. If shots have been fired, it is imperative that the integrity of supporting forensic evidence is maintained.
- 2.43 One of the earliest matters to be decided is that of ownership of the 'scene or scenes' between those investigating the shooting incident and those undertaking any ongoing crime inquiry. It is necessary for the IIO for the shooting and the officer in charge of any crime enquiry preceding the shooting, to agree that one scene examination will take place for the purposes of both enquiries. While ensuring that all aspects are covered, it may be appropriate for officers in a longstanding crime enquiry, who know the scene best, to oversee the investigation of the scene. It is important that contact is maintained between the two investigating officers for the respective enquiries throughout the conduct of those enquiries. If there is no crime enquiry then ownership of the scene rests with the IIO for the shooting enquiry.
- 2.44 The overriding consideration is the preservation and recording of evidence of what has taken place and the avoidance of forensic contamination. It is important that evidence is not lost and particularly that independent witnesses are identified before they are influenced by what they may hear or see in the media or from others.
- 2.45 There may be an occasion where an AFO discharges a weapon in operational circumstances, acting in the course of their duty to protect a person or on escort duties. They should be afforded every facility to ensure the safety and security of the person they are protecting or the material subject to escort including, where necessary, departure from the scene of the incident. Another officer should accompany them whenever possible and all the procedures mentioned herein should be put into place having ensured the person or material's safety. This may occasionally include foreign police officers who have been granted authority to possess a firearm in this country for protective purposes and who are working in conjunction with their British Counterparts.

Forensic Evidence

- 2.46 Investigating Officers should consider obtaining the view of the Forensic Science Service as to the value of any measures in respect of the seizure of clothing, the taking of swabs or the taking of samples. This will assist the establishment of selection criteria to determine which weapons, clothing and equipment are relevant to the enquiry in proving or re-butting allegations. It is good practice for these criteria to be outlined to the officers. Wherever operationally feasible, arrangements concerning forensic support should be made following consultation with the SIO. Due to the element of time, however, the extent of seizures necessary will normally be a Host Force decision.

Weapons

- 2.47 Securing and exhibiting firearms and ammunition carried by officers is obviously an important part of the evidence gathering process. However it may be limited to those firearms carried by officers in the immediate vicinity of the shooting and which could therefore reasonably be expected to demonstrate who fired.
- 2.48 All weapons carried by firearms officers at the immediate scene should be identified and suitably marked. Every effort should be made to maintain all weapons in the condition they were in immediately after being fired and they have been rendered safe. They will be handed to an Exhibits/Productions Officer for forensic examination in accordance with local force arrangements. This is to protect all officers should it subsequently be alleged other officers fired shots. Every reference to firearms will also be construed as a reference to ammunition, which will be treated in an identical manner to ensure safety, recording and accountability issues are properly covered.
- 2.49 Any weapon of any subject must remain where it is located, for forensic purposes in order to maintain the continuity and integrity of evidence. Wherever possible it should not be touched or made safe until authority for this action is given. Its position should be noted and relayed to the Initial Investigating Officer (IIO).
- 2.50 The weapon of an officer who is injured or obviously traumatised should be removed by the Team Leader or other suitably qualified officer, who will maintain the weapon security and continuity. A dual emphasis on both safety and evidential integrity should apply at all times.
- 2.51 The appointment of an Exhibits/Productions Officer should take account of the need to take possession of firearms and ammunition carried by officers as well as to secure exhibits at the scene. Officers' weapons should be seized by a different person to that seizing the subject's to avoid any dangers of cross-contamination. Since the firearms officers will invariably have moved to another location it is important that they do not have to await the conclusion of the scene examination before their firearms are taken for examination. This will normally mean that either the firearms are seized at the scene or that two Exhibits/Productions Officers are initially appointed.

Blood Samples

- 2.52 There is no power to take such a sample other than in accordance with the powers available under section 62 of the Police and Criminal Evidence Act 1984. Officers should therefore not be routinely asked to provide blood samples. Where the consideration arises, it should be fully documented in the policy log.

Securing Clothing / Taking Swabs

- 2.53 If there is no dispute as to who fired shots there would normally be no requirement for other measures to identify officers such as by securing of clothing or by the taking of swab samples to identify those officers contaminated by firearms discharge residue. These measures should only be adopted in exceptional circumstances. When it is thought necessary to obtain additional forensic evidence (Clothing, etc.) from officers it is important that the reasons for the requirement are clearly explained to the officers concerned and recorded in the policy log. If clothing is to be taken suitable alternative clothing must be made available.
- 2.54 It should be remembered that many firearms officers train wearing operational clothing; the evidential value of clothing examination is therefore likely to be limited.

Community Impact Assessment

- 2.55 A Police-related shooting will have an impact upon the community to which the person belongs. A community impact assessment should be considered through consultation between the BCU (Basic Command Unit) Commander, IIO and SIO in accordance with ACPO guidelines.

The Making of Notes

- 2.56 The removal of the officers from the scene at an early stage will provide those involved with a period of re-orientation and allow for the preparation of a summary of events.
- 2.57 Initial notes (e.g. pocket notebook, Incident Log pages for each officer, or a pro forma) should be made as soon as practicable, subject to any individual legal advice received to the contrary. The entry should be timed, dated and signed.
- 2.58 Any suggestion that any officer is unfit to make notes at the time should be verified by the officer being examined by a professionally qualified person who can independently certify to this fact.
- 2.59 If officers have been involved in the same incident, they may confer when preparing notes. Notes should consist of an individual officer's recollection of events. Where notes have been made after conferring, or the incident has been discussed, the officers should endorse their notes to that effect (highlighting issues discussed, and with whom). Any other documents / sources referred to when compiling notes should also be highlighted.
- 2.60 Officers may nevertheless wish to be mindful that any discussion could at a later date be portrayed in cross-examination as a rehearsal or manipulation of the evidence.
- 2.61 It is acknowledged that the effects of stress upon people's focus and memories may well affect an individual's initial perception of events and their constituent details. Where recollections change, this can be dealt with by clarification in further notes and/or later, formal statements.
- 2.62 Formal statements should not normally be required immediately but, providing initial notes are made, can be left until witnesses (including officers) have overcome any

initial shock of the incident and are able to better recollect their experience at the time.

Interviews

- 2.63 During the course of any investigation investigators must be aware of the damage that can be caused to the physiological and psychological well being of an individual who may suffer from the effects of exposure to a traumatic incident. Any unnecessary pressure, in addition to that already experienced, may seriously damage the officers' ability to cope and come to terms with events. Under normal circumstances Principal Officers should not be retained on duty solely for the purpose of a formal interview.
- 2.64 However where the information is clearly insufficient to allow a proper investigation of the incident, it may nevertheless be necessary to interview the officers directly concerned more urgently. Any such interview should be conducted under any relevant statutory provision and subject to any medical advice to the contrary.

De-Briefing

- 2.65 It is vital that **initial witness accounts shall be recorded before a de-briefing of any kind**, to avoid later suggestions of manipulated or rehearsed evidence.
- 2.66 Throughout de-briefing procedures, police officers will need to have due regard for the guidance provided in the Joint Operational Instructions agreed between the Director of Public Prosecutions/Crown Prosecution Service and the Association of Chief Police Officers. Of particular note are the provisions in Annex E of these instructions which deal with evidential disclosure implications of Operational and Therapeutic De-briefing.
- 2.67 While the Instructions recognise that a clear distinction between the types of de-briefing is rarely possible, they provide general guidance arising from the Code of Practice introduced by the Criminal Procedure and Investigations Act 1996.
- 2.68 For example, it is clearly the responsibility of each individual police officer involved in the criminal investigation (whether as investigator or witness) to ensure that any information which:
- a. may be relevant to that investigation **and**
 - b. which is not recorded elsewhere is...recorded and retained.
- 2.69 This applies to **any** conversation or discussion and therefore applies to de-briefings, whether or not their main function is operational or therapeutic. It also includes an officer's own observations relating to the incident and any notes or accounts received from witnesses.
- 2.70 If relevant information does emerge during a de-briefing, for example, where a police officer remembers something new, or recalls an inaccuracy in a previous note, that information should be immediately recorded and retained in accordance with the Code. In these circumstances, the officer concerned should also make a record of the fact of the de-briefing, including when this took place and the subject matter of discussion.

- 2.71 Whatever the type of de-briefing, attendance should be entirely voluntary and no one attending the debriefing should be obliged to speak. Managers of debriefing sessions should ensure that participants are aware that the matters discussed will be subject to normal rules of disclosure.
- 2.72 The Joint Operational Instructions provide further advice for police staff either conducting or participating in operational / therapeutic de-briefings.

Operational Debriefing

- 2.73 A controlled "Factual Only" de-brief should ideally be conducted by the appointed Post Incident Manager, to update any initial notes made by / for the Silver Commander. The purpose of this de-brief is to allow the Initial Investigating Officer (IIO) to be appraised of the facts as known by the Principal Officers involved and to present a consolidated summary for use in the investigation and a media strategy. It can include all officers unless there is already substantial evidence supporting a specific criminal allegation against an individual. The IIO should receive their briefing on what occurred directly from the person conducting the factual, operational de-briefing.
- 2.74 It is important that the de-brief is strictly controlled and officers state only the facts of their actions as they know them at the time. These measures should prevent the de-brief from being characterised as a rehearsal of the evidence. At this early stage there should normally be no reason for either the group or individual officers to be questioned in any depth.
- 2.75 The Post Incident Manager conducting the initial operational de-brief will be required to make a third person note which reflects the account of those officers present as to what has occurred. Consideration may be given to taking a recording of the de-briefing.
- 2.76 It should be noted that this 'controlled' de-brief must not be confused with a critical incident (stress) de-brief that may take place at a later date (although some of their purposes / content may overlap in practice).

Critical Incident Stress Management/Therapeutic Debriefing

- 2.77 The purpose of such processes is ancillary to the investigation - to provide appropriate support to police staff (and sometimes others) who have been involved in traumatic events. There is a strong expectation that, as a general principle, matters discussed during a therapeutic debriefing will remain confidential to those present. To do otherwise may deter a full discussion and undermine the purpose of the exercise.
- 2.78 However, although courts often take account of the ethical considerations of disclosure in these circumstances, such confidentiality cannot be guaranteed. This should be made clear at any therapeutic de-briefing. It remains the individual police officer's responsibility to retain and record any information they perceive as fresh, different, or relevant that comes to light during the session and is not recorded elsewhere.
- 2.79 Many events in which police staff are involved are outside the range of normal human experience and may be particularly distressing. The following mechanisms exist to allow for such staff to be sensitively debriefed.

Defusing

- 2.80 Defusing is aimed at helping officers and other staff recognise and manage the reaction and feelings they are experiencing (or may in the future) as a result of what they have just undertaken in their duties. It is a short and informal process, which should be facilitated by trained people, and is aimed at giving immediate support to the staff. It should be carried out as soon as possible after the event, and in any case prior to conclusion of duty. It should not normally need the inclusion of an account of the facts of the particular incident. This process can be part of the Health and Safety role of the Managers responsible for Principal Officers involved in such an incident.

Critical Incident (Stress) De-briefing

- 2.81 This can occur on a one-to-one or group basis as required.
- 2.82 The aims of critical incident debriefing are to:
- a. Provide a safe environment to talk about the event,
 - b. Help organise people's thoughts and feelings,
 - c. Put events and feelings into context,
 - d. Reduce feelings of isolation,
 - e. Promote mutual support, encouragement and group solidarity,
 - f. Facilitate change by raising awareness of post-traumatic stress reactions and self-care.
- 2.83 Ideally, critical incident debriefing should take place 48-72 hours after the incident. This allows time for operational procedures to take place, and also for participants to get over the possible shock stage of the incident, during which they may not have organised their thoughts. If it is not possible to conduct the de-brief within that time, it should be conducted as soon as possible after 72 hours. It will still be effective.
- 2.84 The Police Welfare Officers' Association have constructed a model of good practice for use in critical incident de-briefing which Forces may wish to employ.

Handover

- 2.85 At the stage of any necessary hand over between the IIO and the ongoing SIO, the following will be necessary considerations:
- a. The need for any further work at the scene and for any further Scene Manager / Scenes of Crime Officer involvement there,
 - b. The need for a Principal Exhibits/Productions Officer,

- c. The need for, and availability of, experienced family/witness liaison officers,
- d. Briefing and Direction of the Forensic Science Service.

Media Releases

- 2.86 Subject to any operational imperatives an open media strategy should be adopted. The media strategy should be formulated in consultation with the Independent Police Complaints Commission/Procurator Fiscal. At the earliest opportunity a clear factual account of the incident should be provided. Care must be taken to avoid compromising the subsequent judicial proceedings. Consideration should be given to the appointment of a specialist Media Officer familiar with issues relating to the Police Service's use of firearms. Such familiarisation need not be detailed but knowledge of the nature of training given to officers, the guidelines under which officers may discharge firearms and the kind of firearms carried is a basic requirement.
- 2.87 Precautions should be taken to protect the officers and their families from unwanted publicity. The Force will have to provide some early information to the media. This may be to confirm a shooting has occurred or an officer has been appointed to investigate the circumstances in accordance with standard practice. The media release must be approved by the SIO in consultation with the IPCC/Procurator Fiscal, and the Post Incident Manager. The latter must ensure that, where practicable, the Principal Officers are informed of all media releases prior to their circulation and he/she may make representations on their behalf. This action may assist in prompting officers to remember their families and others likely to be affected by a media release and allow them to make early arrangements to cater for any problems.
- 2.88 No information that might identify officers concerned with the incident should be passed to the media. In addition a degree of sensitivity should be exercised in the completion of internal Force publication or reports concerning the incident. Care must always be exercised when using communications systems, including mobile phones.
- 2.89 To minimise the possibility of uninformed rumour and to protect the identity of those involved it should be emphasised that discussion between Principal Officers and personnel not involved in the incident is undesirable.

Welfare Considerations

- 2.90 The Chief Officer has a duty of care to ensure the well being of all police staff in their organisation. Appropriate welfare arrangements should be put in place. All officers involved in a shooting incident should be afforded the opportunity to telephone family/friends.
- 2.91 Principal Officers should be supported by their supervisory officers and should be given the opportunity to consult with representatives of the relevant staff association. Every effort should be made to ensure that early professional legal advice is made

available in appropriate cases. In particular, because officers who have fired shots will always be subject of an investigation for potential criminal offences, they should be reminded of their right to legal advice.

Special Leave / Suspension from Duty

- 2.92 When appropriate, special or administrative leave may be granted to a Principal Officer after completion of the investigating officer's initial enquiry. Suspension from duty should only be necessary in exceptional cases, and in accordance with the Host Force's criteria.
- 2.93 Clearly there may be circumstances where such leave is not in an officer's best interest. If, for example, an officer lives alone, they may well prefer to be with their colleagues.
- 2.94 When it is necessary to suspend an officer, that officer should still have access to close friends within the service and should still continue to receive appropriate medical and welfare support.

Social Support System / Welfare System

- 2.95 All officers involved in an incident, whether or not they are the Principal Officers, should be able to receive support from the Occupational Health Unit or professional adviser employed by the Force concerned if they wish. Normally this opportunity should be provided within 72 hours.

Officers' Families and Home

- 2.96 The Force should extend this professional support to the Principal Officers' families. Their families should be alerted to the possible normal reactions of those involved in such incidents and should be afforded the opportunity to discuss the situation with the Force's Occupational Health Advisers.
- 2.97 Consideration should be given at an early stage of the need for 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. It will be helpful if the Force concerned has an established policy on how best to provide security and anonymity in appropriate cases.
- 2.98 All officers involved should be allowed access to a telephone to inform their families of the incident if they wish. If there is likely to be a delay in any officer returning home, consideration should be given to a suitable person being allowed to wait with the family to provide support (this might be a colleague, neighbour or friend).
- 2.99 It may be considered good practice for this supporting person to be identified by each officer involved.

Firearms Authorisation

- 2.100 The firearms authorisation should **not** automatically be removed from the Principal Officers, nor should they be excluded from firearms training.

- 2.101 However, officers who have fired their weapon during an operational incident should be provided with the opportunity to complete any mandatory Occupational Health post-incident support programme provided by their Force. An initial assessment should be made as to whether there are any reasons why the officer should not continue to be deployed on firearms operations. This would include an initial assessment of any prima-facie evidence of serious breaches of discipline or criminality.
- 2.102 There should be an opportunity for an officer to decide whether or not to continue to be deployed on firearms operations, either temporarily or in the longer term.

Pathologist and Post-Mortem

- 2.103 In fatal shooting cases HM Coroner should also be involved at an early stage. The IIO should establish early contact with the pathologist (appointed by the Coroner) who will carry out the Post-mortem, with the SIO attending it wherever possible. In Scotland, the SIO will follow normal procedures and make immediate contact with the Procurator Fiscal who will provide direction in respect of pathology and post mortem requirement. It should be borne in mind that solicitors who may be acting for an officer involved in a fatal shooting may want to arrange for an independent post mortem, as may the family of the deceased. These can sometimes all be carried out at the same time which, if possible, is naturally preferable.

Crown Prosecution Service

- 2.104 In England and Wales, in cases where initial indications are that a criminal offence may have been committed by a police officer, consideration should be given to early contact being made with a senior lawyer from the Crown Prosecution Service. Where the IPCC is supervising, managing or conducting an investigation, such liaison (and the forwarding of any papers) should only take place after consulting with them. In cases of alleged criminal behaviour in Scotland there will be direct liaison with the Regional Procurator Fiscal who will direct the investigation.

Procurator Fiscal

- 2.105 The Procurator Fiscal should be contacted immediately if a firearm has been discharged. The Procurator Fiscal is likely to have a dual role post-incident. Firstly the Procurator Fiscal will have to investigate the circumstances of any death, and report the death to Crown Office. Secondly the Regional Procurator Fiscal will have to investigate any alleged criminal conduct by police officers involved in the incident.
- 2.106 In Scotland the guidance on investigations should be read along with, and is subject to, any general or specific instructions from the Procurator Fiscal or Regional Procurator Fiscal.

Notice of Investigation

- 2.107 When a complaint is received from a member of the public, normal procedures in respect to the relevant legislation will apply. It is quite possible that a complaint may be received some time after the event. In such cases it should be made clear to the officers involved that the instigation of procedures in this regard are not necessarily

as a result of any alteration in the course of the enquiry.

- 2.108 The service of a notice of investigation should not be automatic. Each case will be considered on its merits in consultation with the Independent Police Complaints Commission, Ombudsman or Procurator Fiscal.

Progress of the Enquiry

- 2.109 It is essential that investigations in respect of firearms incidents are carried out expeditiously. Upon taking on an investigation, a SIO should consider the appointing of a Tactical Advisor and/or Silver Commander to the Inquiry. An independent assessment from a Nationally Accredited Firearms Training School may also prove helpful. A SIO will normally have to consider the establishing of a Major Incident Room and the use of the Home Office Large and Major Enquiry System (HOLMES) to log information received from many sources.
- 2.110 It is important that, as far as possible, anyone under investigation is kept informed of the progress of the enquiry in general terms. The SIO should take steps to ensure that regular up-dates are provided and the Host Force should consider the provision of an ongoing PIM or Force Liaison Officer (either full or part-time) to facilitate this.

ANNEX 6A

TYPICAL ISSUES FOR INVESTIGATION

This list is not intended to be exhaustive, but represents an indication of many of the areas that will normally fall to be investigated following the discharge of a police firearm in operational circumstances.

1. Intelligence - what intelligence or evidence was available before the operation and who was in possession of it? What decisions were taken as a result and why? **What** steps were taken to verify the information?
2. Briefing – was the information available accurately relayed at the briefing? Or subsequently as events unfolded?
3. Authorisation - what records are available relating to the issue of firearms and ammunition and what internal force instructions are there relating to firearms issue? Who granted the authority for the issue of firearms? Who authorised the operation? (This may have been incorporated into the authority to issue but not necessarily so.)
4. Threat / Risk Assessment. Details of any carried out.
5. ARVs - what use was made of ARVs and what were their terms of reference in the Force concerned?
6. Firearms Teams - what use was made of Firearms Teams and what were their terms of reference in the Force concerned?
7. Specialist Munitions - were any used – shotgun CS rounds, distractions devices, shotgun breaching rounds - and what internal Force instructions exist for their use?
8. Command Structure - who occupied which positions within the structure?
9. Strategy – what was the strategic intention of the Gold Commander?
10. Tactical Parameters - were any set by the Gold Commander, and what were they?
11. Tactical Plan – what tactical options did the Silver Commander consider, and what was their reasoning for decisions made?
12. Negotiator – was one used and what was their input?
13. Tactical Advisor – was one used and what was their input?
14. Rendezvous Points – where were they?
15. Communications – what arrangements were made?
16. Records – is there any video footage / photographs of the incident?
17. Medical - what were the paramedic / ambulance / first aid training arrangements? How was the police duty of care to the injured person met?
18. Scene Management - what steps were taken to preserve public safety / cordons?

19. Tours of Duty - what were their lengths?
20. Firearms Training - were the officers authorised for the particular weapon(s) they were carrying / fired? What records relating to firearms training given to officers are available?
21. Fitness - are records of any health / eyesight / fitness tests undertaken available?

ANNEX 6 B - INVESTIGATION - ROLES AND RESPONSIBILITIES

AFO

- Remain operationally active until stood down.
- After any discharge AFOs will set all weapons' safety catches to 'safe' and holster handguns at the scene. Weapons will be made safe after arrival at the designated venue.
- Generally AFOs will retain their weapons. On occasions the weapons may be required to be handed to another person for the purposes of the investigation.
- Complete initial factual notes as soon as possible (subject to any legal/medical advice) and hand a copy to the Post Incident Manager.

Bronze Firearms Commanders

- Remain operationally active until stood down.
- In the absence of the Silver Commander, ensure that the scene is protected and that evidence is preserved until the arrival of the Initial Investigating Officer.
- Seek to ensure that the weapon, or perceived weapon, of the subject remains in location until a Scenes of Crime examination, unless it is dangerous to do so.
- At scene confirm with all AFOs that their weapons' safety catches have been set to safe and handguns holstered. After arrival at designated venue, confirm with all AFOs that weapons have been made safe.
- Following liaison with the IIO and, where necessary, with the involvement of the Scenes of Crime Officer, supervise the unloading of the weapons and identify each weapon to an officer.
- Remove weapons from any officer injured or traumatised by the incident.
- Complete initial factual notes as soon as possible (subject to any legal/medical advice) and hand a copy to the Post Incident Manager

Silver Commander

- Remain operationally active until stood down.
- Resolve the incident and ensure that the scene is protected and that evidence is preserved until the arrival of the Initial Investigating Officer.
- Consider the safety of the public, police personnel and the immediate welfare of casualties.
- Ensure transfer of AFOs to relocation point and identify Principal Officers.
- Establish facts of what has taken place and ensure that all relevant information is recorded.
- Inform Force Control Room and the Gold Commander.

- Determine RV point for incoming resources.
- Complete initial factual notes as soon as possible (subject to any legal/medical advice) and hand a copy to the Post Incident Manager.
- Brief and formally hand over to IIO and PIM.

Gold Commander

- Should be in a position to maintain command until the strategic intention of the operation is achieved, or they are relieved.
- Should continue to be available to the Silver Commander if required.
- Inform duty Chief Officer.
- Ensure all relevant information is recorded.

ACPO Officers

- Ensure investigation and welfare procedures are implemented. Separate Chief Officers should normally accept overall responsibility for each of these two important functions.
- Initiate the investigation.
- Appoint Post Incident Manager.
- Appoint Initial Investigating Officer and agree terms of reference.
- Consider referral to Independent Police Complaints Commission/Police Ombudsman for Northern Ireland/Procurator Fiscal.
- Agree media strategy.
- Ensure all relevant information is recorded.

Initial Investigating Officer

- Open a policy log and ensure all relevant information and decisions are recorded.
- Agree terms of reference with ACPO officer.
- Identify and preserve evidence.
- Overall scene management.
- Identify and consider relevant national guidelines.
- Liaise with Silver Commander as to initial action at scene.
- Liaise with Chief Officers as to media policy.
- Liaise and consult with Post Incident Manager.

- Make early contact with appointed SIO.
- Carry out those enquiries deemed urgent and those that may assist in the collation of evidence, which may be lost prior to the arrival of the SIO.
- Agree initial objectives in relation to forensic evidence.
- Early contact with the pathologist.
- Liaise with scientific support co-ordinator.

Post Incident Manager

- Establish immediate contact with the Principal Officers and ensure that they are given immediate support.
- Consideration should be given to assigning an officer to each Principal Officer.
- Advise all relevant members of staff that the Force Policy has been implemented and explain the PIM role.
- Meet Initial Investigating Officer and subsequent Senior Investigating Officer and outline the role of the PIM.
- Take measures to ensure the physical and emotional well being of the staff involved.
- Consider the attendance of a doctor or health adviser.
- Ensure access to telephones to contact relatives or friends.
- Inform the following departments/agencies but do not arrange for them to attend unless required. (Be guided by their expertise and the specific needs and consent of the staff):
 - Occupational Health Unit
 - Doctor
 - Appropriate Staff Associations
 - Welfare Department

Where necessary, arrange for a Post Incident Team to be formed.

- Ensure that any necessary forensic procedures are dealt with as early as possible and that officers are fully informed of the relevance of the procedures.
- Secure early legal advice/representation if requested.
- Consider approach to ACPO officer regarding the anonymity of Principal Officers.
- If the SIO requests statements or other action earlier than anticipated, ensure that this has been addressed through ACPO officers and that it abides by guidance contained within this Manual.

- Maintain dialogue with IIO and SIO, including Press releases and the progress of the investigation to update staff involved.
- Advise Principal Officers of their responsibilities regarding the discussion of the incident with colleagues who are not involved.
- Obtain initial factual notes concerning the incident from the respective officers and hand to IIO.

Senior Investigating Officer

- Agree Terms of Reference with Chief Officers / Host Force / IPCC / Ombudsman / Procurator Fiscal.
- Establish / Continue policy book.
- Agree Media policy.
- Liaise with Independent Police Complaints Commission / Ombudsman / Procurator Fiscal
- Appoint Scene Manager
- Assume responsibility for Scene
- Liaise and consult with Post Incident Manager
- Agree Policy for action to be taken with regard to principal Officers e.g. forensic issues, interview, etc (consider early liaison with Staff Associations)
- Consider the use of ACPO Murder Investigation Manual (The ACPO Murder Investigation Manual contains considerable advice and guidance that can be applied to an enquiry into any serious incident. Its principles can be applied throughout any shooting enquiry, particularly if the shooting results in a fatality or potential fatality.)
- Consider the appointment of a trained and experienced Exhibits / Productions Officer and a trained and experienced Disclosure Officer.
- Will involve a trained and experienced Firearms Tactical Advisor.
- Maintain contact with Pathologist.
- Liaise with Coroner / Procurator Fiscal.
- Agree to the release of the scene.
- Formally accept hand over from IIO.
- Briefing and direction of Forensic Science Service following official handover of the investigation.

ANNEX6C

IPCC / ACPO Standard Operating Procedure

1. Introduction

- 1.1 This standard operating procedure supports the ACPO Manual of Guidance on the Police Use of Firearms and is designed for the use and information of:-
- all authorised firearms officers,
 - staff undertaking make-safes of firearms
 - officers involved in the command and control of firearm operations.
 - professional standards investigators, and
 - Independent Police Complaints Commission (IPCC) investigators
- 1.2 The discharge of a firearm by any police officer which results in the death or serious injury of any person will, result in some form of investigation. In cases involving the death of any person there is a duty under Article 2 of the European Convention on Human Rights, now incorporated in domestic law by the Human Rights Act 1998, to ensure there is an investigation into the death.
- 1.3 The purpose of this document is to ensure when an incident of this type occurs, the response to it is standardised as far as is possible, giving credibility to the subsequent investigation and clarity to everyone involved.
- 1.4 It will also ensure that where a complaint is made within the meaning of the Police Reform Act 2002, those appointed to investigate the allegation will have available a clear operating procedure.
- 1.5 Particular responsibilities rest with initial investigating officers (on call professional standards staff, or suitably qualified investigator), police managers and post incident managers.

2. Standard Operating Procedures

2.1 Notification of pre-planned firearms operations

- 2.1.1 There is no requirement to give prior notice to the force professional standards department or IPCC of pre-planned firearms operations.

2.2 Notification and contact with force professional standards department following the discharge of a firearm by police

- 2.2.1 Where a firearm is discharged by a police officer in circumstances which fall within their investigative remit (i.e. any discharge of a firearm which has resulted in death or serious injury; caused danger to the public, or revealed failings in command), the professional standards department must be notified at the earliest opportunity. Notification should also be made in any circumstances where death occurs during police containment.

- 2.2.2 If there is any doubt the advice of the on call professional standards investigating officer should be sought.
- 2.2.3 Where a force incident record exists this must be updated accordingly, if not, one must be created.
- 2.2.4 Any designated silver commander (or duty officer in spontaneous incidents) must confirm that professional standards have been notified and cause this action to be recorded on the relevant incident record.

2.3 Notification and contact with the force professional standards following the accidental/unintentional discharge of a firearm

- 2.3.1 The following action must be taken when a firearm is accidentally/unintentionally discharged by police in circumstances that fall within the investigative remit of the force professional standards department i.e. any discharge of a firearm in policing operations which has, or may have:
1. resulted in death or serious injury;
 2. caused danger to the public, or
 3. revealed failings in command
- 2.3.2 If there is any doubt, the advice of the on call professional standards investigating officer should be sought.
- 2.3.3 A supervising officer must ensure the professional standards department are informed, in accordance with force policy, immediately.
- 2.3.4 Where a force incident record exists, this must be updated accordingly, if not, one must be created.
- 2.3.5 Where life is not endangered it will normally be for professional standards department to identify a suitable officer to investigate the circumstances.
- 2.3.6 The duty officer or silver commander must ensure the scene is fully preserved until the appointed initial investigating officer (IIO) takes over responsibility. The silver commander, or duty officer, remains in operational control of the incident until he/she declares it safe. A limited debriefing of principal officers is essential to the determination of this issue.

2.4 Making of notes by officers

- 2.4.1 The removal of the officers from the scene at an early stage will provide those involved with a period of re-orientation and allow for the preparation of a summary of events.
- 2.4.2 Initial notes (e.g. pocket notebook, incident log pages for each officer, or a pro-forma) should be completed. These initial notes should be made as soon as practicable, subject to any individual legal advice received to the contrary. All officers who have fired shots should always be reminded of their right to legal advice (*Ch 6, Para 2.26 – 2.30, ACPO Manual of Guidance on Police Use of Firearms*). The entry should be timed, dated and signed.

- 2.4.3 Any suggestion that an officer is unfit to make notes at the time should be verified by a police approved medical examiner who can independently certify this.
- 2.4.4 Officers who have been involved in the same incident must ensure their notes record only their individual recollection of events. Where notes have been made after conferring, or the incident has been discussed, the officers should endorse their notes to that effect (highlighting issues discussed, and with whom). Any other documents/sources referred to when compiling notes should also be highlighted and retained for disclosure purposes.
- 2.4.5 Officers should be mindful that any discussion could at a later date be portrayed in cross-examination, as a rehearsal or manipulation of the evidence.
- 2.4.6 It is acknowledged that the effects of stress upon people's focus and memories may well affect an individual's initial perception of events and the constituent details. Where recollections change, this can be dealt with by clarification in further notes and/or later, formal statements.
- 2.4.7 Formal statements should not normally be required immediately but, providing initial notes are made, can be left until witnesses (including officers) have overcome any initial shock of the incident and are able better to recollect their experience at the time."

(Ch 6, Paras 2.51– 2.57 ACPO Manual of Guidance on Police Use of Firearms)

- 2.4.8 unless officers are unfit to make an aide-memoir in their notebooks (or other record as determined by force policy) they should be encouraged to make such notes as soon as possible after the event, unless exceptional circumstances prevail. The police medical examiner's assessment of an officer's fitness to write notes may become critical if there is a discrepancy between the officer's notebook entry and his/her subsequent recollection of events.

2.5 Good practice for medical examiners

- 2.5.1 "Officers should be offered an examination by a medical practitioner immediately after the incident as they may have suffered an injury of which they are not aware. All officers should be alert to the need to check for such injuries to themselves and their colleagues."

(Ch 6, Para 2.33 ACPO Manual of Guidance on Police Use of Firearms)

- 2.5.3 Principal officers should be examined as a matter of course, subject to their consent. Other officers should only be examined following specific representations to the post incident manager (PIM).
- 2.5.4 If a police medical examiner is called to examine an officer, they should be briefed by a supervising officer as to the background of the incident and the reasons for the examination, with any other information or personal circumstances which may be relevant to the examination. However, this examination is not to establish whether or not an officer is fit to make notes, i.e. the police medical examiner should not be instructed, as a matter of course, to make reference to fitness to make notes in respect of all officers involved in an incident.

2.5.5 The most appropriate supervising officer to brief the police medical examiner, depending on individual circumstances, will be the post incident manager (PIM). They are in the best position to make an assessment of the officer's behaviour and response in the aftermath of the incident, in consultation with all parties involved.

2.5.6 The content of any briefing given to the police medical examiner must be fully documented by the PIM and should include any observations on the officers to be examined. All documented briefings should be disclosed to the SIO at the earliest opportunity.

2.6 Interviews

2.6.1 During the course of any investigation investigators must be aware of the damage that can be caused to the physiological and psychological well being of an individual who may suffer from the effects of exposure to a traumatic incident. Any unnecessary pressure, in addition to that already experienced, may seriously damage the officers' ability to cope and come to terms with events. Under normal circumstances principal officers should not be retained on duty solely for the purpose of a formal interview.

2.6.2 However, where the information is clearly insufficient to allow a proper investigation of the incident, it may nevertheless be necessary to interview the officers directly concerned more urgently. Any such interview should be conducted under any relevant statutory provision and subject to any medical advice received.

(Ch 6 paras 2.58/9 ACPO Manual of Guidance on Police Use of Firearms)

2.6.3 Any issues identified by the initial investigating officer requiring immediate clarification from officers within the post incident procedure, will be raised with the post incident manager for their action.

2.7 Examination of officers previously shown unfit to complete notes

2.7.1 An officer who had previously been shown by a police medical examiner to be unfit to make notes of an incident must be re-examined to ensure that they are fit to make notes prior to completing this task. This will be the responsibility of the post incident manager.

2.8 Initial account by silver commander to initial investigating officer

The silver commander/duty officer should initially establish the basic facts of what has taken place to confirm the conclusion of the operation and enable the appropriate management of the scene. The facts provided should be restricted to a brief outline of what people did, what people heard, what people saw and where they were standing when the shots were fired.

(Ch 6, Para 2.29 of ACPO Manual of Guidance on Police Use of Firearms)

2.9 Debriefing

2.9.1 Whenever possible, initial witness accounts should be recorded before debriefing, to avoid later suggestions of manipulated or rehearsed evidence.

- 2.9.2 Throughout debriefing procedures, police officers will need to have due regard for the guidance provided in the joint operational instructions agreed between the Director of Public Prosecutions / Crown Prosecution Service and the Association of Chief Police Officers.
- 2.9.3 Of particular note are the provisions in annex E (Ch.6 ACPO Manual) of these instructions, which deal with evidential disclosure implications of operational and therapeutic debriefing.
- 2.9.4 While the instructions recognise that a clear distinction between the types of debriefing is rarely possible, they provide general guidance arising from the code of practice introduced by the Criminal Procedure and Investigations Act 1996.
- 2.9.5 For example, it is clearly the responsibility of each individual police officer involved in the criminal investigation (whether as investigator or witness) to ensure that any information which:
- may be relevant to that investigation and
 - which is not recorded elsewhere is...recorded and retained.
- 2.9.6 This applies to any conversation or discussion and therefore applies to debriefings, whether or not their main function is operational or therapeutic. It also includes an officer's own observations relating to the incident and any notes or accounts received from witnesses.
- 2.9.7 If relevant information does emerge during a debriefing, for example, where a police officer remembers something new, or recalls an inaccuracy in a previous note, that information should be immediately recorded and retained in accordance with the code. In these circumstances, the officer concerned should also make a record of the fact of the debriefing, including when this took place and the subject matter of discussion.
- 2.9.8 Whatever the type of debriefing, attendance should be entirely voluntary and no one attending the debriefing should be obliged to speak. Managers of debriefing sessions should ensure that participants are aware that the matters discussed will be subject to normal rules of disclosure.
- 2.9.9 The joint operational instructions provide further advice for police staff either conducting or participating in operational/therapeutic debriefings.

Ch 6 Para 2.60-2.67inc of ACPO manual of Guidance on Police Use of Firearms

2.10 Factual account by post incident manager (PIM)

- 2.10.1 The post incident manager will conduct a factual debrief with principal officers as a priority.
- 2.10.2 A controlled factual debrief should be conducted by the appointed post incident manager. The purpose of this debrief is to allow the IIO to be apprised of the facts as known by the principal officers involved, to present a consolidated summary for use in the investigation and to inform the media strategy. It can include all officers unless there is prima facie evidence supporting a specific criminal, or serious conduct, allegation against any individual. The IIO should receive their briefing on

what occurred directly from the person conducting the factual, debrief. Any note made by/on behalf of the silver commander should be incorporated in this briefing.

(Ch 6, Para 2.68 ACPO Manual of Guidance on Police Use of Firearms)

2.11 Critical incident stress management/therapeutic debriefing

2.11.1 The purpose of such process is ancillary to the investigation - to provide appropriate support to members of the police service (and sometimes others) who have been involved in traumatic events. There is strong expectation that, as a general principle, matters discussed during a therapeutic debriefing will remain confidential to those present. To do otherwise may deter a full discussion and undermine the purpose of the exercise.

2.11.2 However, although courts often take account of the ethical considerations of disclosure in these circumstances, such confidentiality cannot be guaranteed. This should be made clear at any therapeutic debriefing. It remains the individual police officer's responsibility to retain and record any information they perceive as fresh, different, or relevant that comes to light during the session and is not recorded elsewhere.

(Ch.6 para 2.73 ACPO Manual of Guidance on Police Use of Firearms)

2.12 Seizure of weapons and clothing

2.12.1 If there is no dispute as to who fired shots there would normally be no requirement for other measures to identify other officers, such as by securing of clothing or by the taking of swab samples to identify those officers contaminated by firearms discharge residue. These measures should only be adopted in exceptional circumstances. When it is thought necessary to obtain additional forensic evidence (clothing, etc) from officers it is important that the reasons for the requirement are clearly explained to the officers concerned and recorded in the policy log. If clothing is to be taken suitable alternative clothing must be made available.

It should be remembered that many firearms officers train wearing operational clothing, the evidential value of clothing examination is therefore likely to be limited.

(Ch.6 para 2.48/9 Manual of Guidance on Police Use of Firearms)

2.12.2 The same criteria would apply where there is a dispute regarding the position of officers at the time shots were fired.

2.12.3 The need to recover and preserve all evidence available at the time is an important consideration for the SIO. Exhibits seized at this stage may help confirm or disprove facts that only come to light later.

2.12.4 All officers involved in an incident will be required to assist with the forensic examination of their weapons and equipment.

2.12.5 An suitably qualified person, nominated by the post incident manager, will ensure the controlled unloading and handing over of weapons, in the presence of, and to the appointed exhibits officer.

- 2.12.6 Where a weapon is examined and found not to have been fired, or is no longer required as evidence, it will be returned to the relevant department as soon as practicable.
- 2.12.7 In the event of a request being made to the officer to provide swab samples, the officer need only comply if they consent with this course. If consent is not forthcoming, and the officer is not a suspect, no adverse inference can be drawn. If the officer is a suspect, then samples can only be required in accordance with the Police and Criminal Evidence Act 1984(PACE) and codes of practice.
- 2.12.8 On these occasions the IIO must record the reasons for the decision in his/her decision log. The IIO should explain this decision to the PIM.

2.13 Blood samples

- 2.13.1 There is no power to take such a sample other than in accordance with the powers available under Section 62 PACE. However, where the initial investigating officer or SIO considers a request to provide a voluntary sample will assist the investigation, the reason should be recorded in the investigator's policy book and must be explained to the officers involved and the PIM. No adverse inference can be drawn if an officer declines to give a sample under these circumstances.
- 2.13.2 Nothing in this section should preclude an officer being given the opportunity to voluntarily provide a blood sample where the officer initiates the request.

2.14 Scene management

- 2.14.1 The appointment of a crime scene manager should be a priority. The crime scene manager will be responsible for the deployment of forensic experts, as necessary, and forensic recovery in accordance with the forensic strategy. (Designation *crime scene manager* does not imply a criminal investigation will follow)
- 2.14.2 In all cases where officers open fire, the police vehicles in which the principal officers attend the venue are not to be removed from the scene without the express authority of the initial IIO or SIO, who will determine whether the position, or other feature, of the vehicle is, itself, relevant to the enquiry.
- 2.14.3 This does not preclude the removal of the officers themselves, but alternative transport is to be used. In exceptional circumstances the vehicle may be removed or repositioned on the authority of the silver commander (or duty officer in spontaneous incidents). If this occurs it must be documented in notes and in person to the initial investigating officer.
- 2.14.4 The equipment in the vehicles, both police issue and personal items are likewise to be left in situ. The post incident manager will liaise with the senior investigating officer who will arrange for the release of the vehicle and/or equipment as soon as possible.

2.15 Discharge of less lethal technology (i.e. baton rounds, taser guns)

- 2.15.1 Conventional use of such technology should be referred to the professional standards department.

2.15.2 If the injury is minor, in normal circumstances the force professional standards unit will not respond beyond telephone consultation. If serious injury is caused then the full post incident procedures will be adopted.

2.15.3 The final decision on whether to initiate an investigation will always rest with force professional standards department.

2.16 Liaison and contact point with investigations conducted by external forces / IPCC

2.16.1 All police shootings where injury or death has occurred will be subject to mandatory referral to the Independent Police Complaints Commission for the commission to decide whether the incident should be an;

- Independent investigation by the IPCC
- IPCC managed enquiry using the home or external force where the investigation team is under the direction and control of the IPCC
- IPCC supervised inquiry using the home or external force
- A local investigation conducted by the home force

2.16.2 In such cases the referral will be made immediately by the force professional standards officer to the on call IPCC representative in accordance with their agreed protocol.

2.16.3 Where the IPCC determines to investigate independently, or an external force has been appointed, force professional standards department will normally take responsibility for the role of liaison officer for the duration of the investigation.

2.17 SIO meeting with firearm officers

2.17.1 The SIO will arrange a meeting with officers involved in an incident as soon as practicable after an incident and in any event within 48 hours.

2.17.2 The purpose of this meeting is to provide the officers with terms of reference of the investigation and any other appropriate matter, as determined by the SIO.

2.17.3 If this meeting is delayed beyond 48 hours the reasons will be recorded by the SIO and the PIM informed . This information should be passed to the officers concerned.

2.17.4 The SIO will give early consideration as to the status of the officers involved (i.e. whether they are witnesses or potential suspects). These decisions will be subject of a policy book entry and will be communicated to the officers involved.

2.18 Post incident review

2.18.1 It will be the responsibility of the SIO to brief the force concerned as to the current status of the officers concerned. This briefing should be not later than 28 days after the incident.

2.18.2 The officer's head of department and force discipline authority (DCC) will determine the role the officer(s) can undertake, which will be dependent upon their status in

the investigation at that particular time. This will then be subject of a monthly review while the investigation continues.

- 2.18.3 Officers who are not suspected of criminal or conduct matters should not be restricted from return to operational duties solely awaiting the finalisation of the investigation.

2.19 Notice of investigation

- 2.19.1 When a complaint is received from a member of the public, normal procedures in respect of the relevant legislation will apply. It is quite possible that a complaint may be received some time after the event. In such cases it should be made clear to the officers involved that the instigation of procedures in this regard are not necessarily as a result of any alteration in the course of the enquiry.

- 2.19.2 It is important that, as far as possible, anyone under investigation is kept informed of the progress of the enquiry. The SIO should take steps to ensure that regular updates are provided and the host force should consider the provision of an ongoing PIM or force liaison officer (either full or part-time) to facilitate this.

(Ch 6 para 2.102/2.105 ACPO Manual of Guidance on Police Use of Firearms)

2.20 Media releases

- 2.20.1 Subject to any operational imperatives, an open media strategy should be adopted. The media strategy should be formulated in consultation with the Independent Police Complaint Commission. At the earliest opportunity a clear factual account of the incident should be provided. Care must be taken to avoid compromising any subsequent judicial proceedings. Consideration should be given to the appointment of a specialist media officer familiar with issues relating to the police service's use of firearms. Such familiarisation need not be detailed but knowledge of the nature of training given to officers, the guidelines under which officers may discharge firearms and the kind of firearms carried is a basic requirement.
- 2.20.2 Precautions should be taken to protect the officers and their families from unwanted publicity. The force will have to provide some early information to the media. This may be to confirm a shooting has occurred or an officer has been appointed to investigate the circumstances in accordance with standard practice. The media release must be approved by the SIO in consultation with the IPCC and the post incident manager. The latter must ensure that, where practicable, the principal officers are informed of all media releases prior to their circulation and he/she may make representations on their behalf.
- 2.20.3 No information that might identify officers concerned with the incident should be passed to the media. In addition, a degree of sensitivity should be exercised in the completion of internal force publication or reports concerning the incident. Care must always be exercised when using communications systems, including mobile phones.
- 2.20.4 To minimise the possibility of uninformed rumour and to protect the identity of those involved it should be emphasised that discussion between principal officers and personnel not involved in the incident is undesirable.

(Ch 6 paras 2.81/4 ACPO Manual of Guidance on Police Use of Firearms)

Community impact assessment

Following a fatal, or serious injury, shooting, a community impact assessment should be completed in accordance with force policy, but must involve close liaison between the force and the IPCC.

2.21 Welfare considerations

2.21.1 The chief constable has a duty of care to ensure the well being of all police staff in their force. Appropriate welfare arrangements should therefore be put in place. All officers involved in a shooting incident should be afforded the opportunity to telephone family/friends.

2.21.2 All officers involved should be allowed access to a telephone to inform their families of the incident if they wish. If there is likely to be a delay in any officer returning home, consideration should be given to a suitable person being allowed to wait with the family to provide support (this might be a colleague, neighbour or friend).

(Ch 6 paras 2.85/2.93 ACPO Manual of Guidance on Police Use of Firearms)

2.21.3 The post incident manager (PIM) will initiate an early threat assessment to cover the principle officers involved in the incident. The result of such an assessment will allow the PIM to put into place the appropriate control measures to ensure the safety of the officer(s) and where necessary their families well being. The on going threat assessment process will continue where necessary, until the enquiry is complete.

2.22 Documentation and disclosure

2.22.1 The original of all documents and statements generated as a result of an incident must be handed over to the force professional standards department or other investigative team charged with investigating the incident, at the earliest opportunity.

2.22.2 The criminal procedure and Investigations Act 1996 make it a requirement that all material obtained in the course of an investigation and which may be relevant to the investigation is retained for disclosure purposes.

2.22.3 Any person who is asked to give a statement during the course of an investigation into a death should be aware that his/her statement may be used in the context of an inquest and may therefore be disclosed to the deceased family in accordance with the guidance to the police in pre-inquest disclosure. (Home Office circular 13/2002 & 31/2002) Statements taken during an investigation conducted by the professional standards department will normally include a paragraph at the beginning of the statement to this effect. Officers will usually complete their own statements.

2.22.4 Additionally, all the documents may be provided to the coroner and other interested parties i.e. the deceased family, for the purpose of an inquest, in accordance with the Home Office circular referred to within the preceding paragraph.

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