

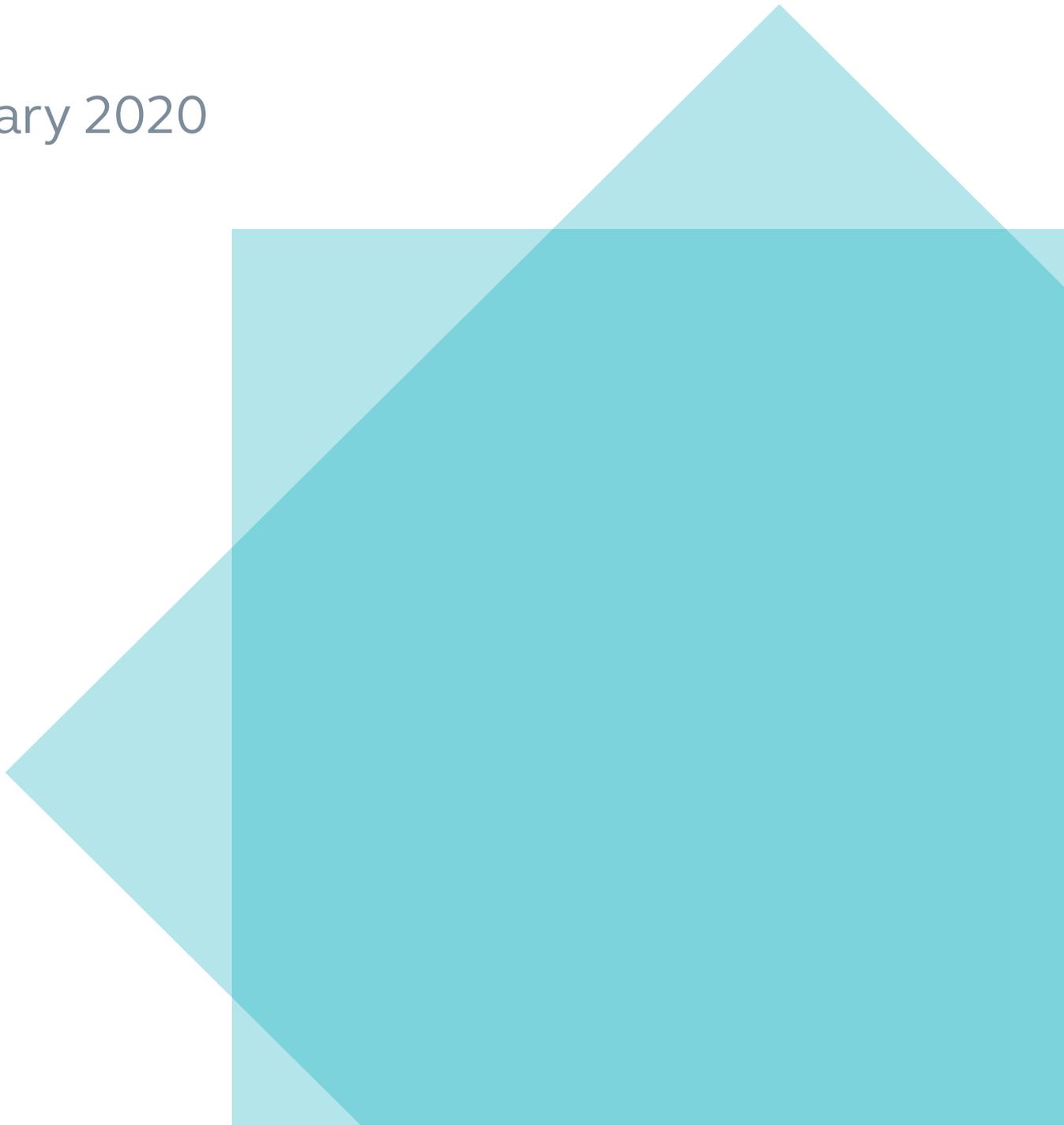


College of  
Policing

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# Code of Practice on Armed Policing and Police use of Less Lethal Weapons

January 2020







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Policing

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Presented to Parliament pursuant to Section 39A(5) of the Police Act 1996, as amended by Section 124 of the Anti-social Behaviour, Crime and Policing Act 2014

January 2020



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# Contents

|          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>Introduction</b>  | <b>7</b>  |
| 1.1      | Purpose of the code  | 7         |
| 1.2      | Statutory basis of the code  | 7         |
| 1.3      | Use of force by police officers  | 8         |
| 1.4      | Law relating to the use of force   | 10        |
| 1.5      | Use of force and transparency  | 10        |
| 1.6      | Secretary of State powers to prohibit or approve police forces to use specified equipment            | 10        |
| <b>2</b> | <b>Scope and status of this code</b>   | <b>11</b> |
| 2.1      | Weapons and munitions covered by this code   | 11        |
| 2.2      | Relationship of the code to other guidance   | 12        |
| 2.3      | Role of HM Inspectorate of Constabulary and Fire and Rescue Services                                 | 12        |
| 2.4      | Applicability of code  | 12        |
| <b>3</b> | <b>Responsibilities of chief officers</b>  | <b>13</b> |
| 3.1      | Armed policing and less lethal weapons portfolio holder  | 13        |
| 3.2      | Armed policing strategic threat and risk assessment (APSTRA)   | 13        |
| 3.3      | Authorisation procedures for operational deployment of weapons covered by this code                  | 14        |
| 3.4      | Communication with police and crime commissioners (or equivalent) community engagement and impact    | 15        |
| <b>4</b> | <b>Procedures for the selection and acquisition of firearms, ammunition and specialist munitions</b> | <b>16</b> |
| 4.1      | Selection and acquisition of weapons   | 16        |
| 4.2      | Development of new firearms, munitions and specialist munitions                                      | 16        |
| 4.3      | Availability of approved firearms, ammunitions and specialist munitions                              | 17        |
| 4.4      | Issue of weapons to competent officers   | 17        |
| 4.5      | Approval of specialist munitions   | 17        |
| <b>5</b> | <b>Development and the approval of less lethal weapons by the Home Office</b>                        | <b>18</b> |
| 5.1      | Strategic principles   | 18        |
| 5.2      | The process for Home Office approval of less lethal weapon systems                                   | 19        |
| 5.3      | The acquisition and use of less lethal weapons   | 20        |
| <b>6</b> | <b>Selection, training and accreditation of officers</b>   | <b>21</b> |
| 6.1      | Chief firearms instructor  | 21        |
| 6.2      | Selection, training and maintaining competence   | 21        |
| 6.3      | Record keeping   | 21        |
| 6.4      | Training to common national standards  | 22        |
| 6.5      | Joint training and exercising  | 22        |
| 6.6      | Development of curriculum  | 22        |
| 6.7      | Development and approval of new tactics  | 22        |
| 6.8      | Awareness training on armed policing and less lethal weapons   | 22        |

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|          |   |           |
|----------|---|-----------|
| <b>7</b> | <b>Post-deployment procedures</b>                                   | <b>23</b> |
| 7.1      | Accountability  | 23        |
| 7.2      | Post-incident investigations  | 23        |
| 7.3      | Role of Independent Investigatory Authority                         | 25        |
| 7.4      | Community impact  | 25        |
| <b>8</b> | <b>Promulgation of learning</b>                                     | <b>26</b> |
| 8.1      | Promulgation of good practice                                       | 26        |
| 8.2      | Safety critical incidents in training                               | 26        |
| <b>9</b> | <b>Maintenance, storage and accounting of weapons and munitions</b> | <b>27</b> |
| 9.1      | Procedures  | 27        |
| 9.2      | Fault reporting   | 27        |
| 9.3      | Storage   | 27        |
| 9.4      | Auditing and accounting   | 27        |

# 1 Introduction

## 1.1 Purpose of the code

1.1.1 The purpose of this code is to:

- set out the responsibilities of the chief officer in relation to armed policing and less lethal weapons (**section 3**)
- set out the basic principles in relation to the selection, evaluation, approval, authorisation, acquisition and use of firearms, specialist munitions and less lethal weapons by police
- set out the manner in which those principles are implemented within the police service
- provide a statement on standards of competence, accreditation and operational practice relating to armed policing and less lethal weapons
- ensure that observance of these principles, and the standards for implementation, results in a systematic programme of continuous development of police policy, practice and capability
- promote compatibility of operating procedures for such weapons to support procedures for evaluation and maintaining standards of competence, and to support operations involving officers drawn from more than one force
- foster the identification and promulgation of good practice, and encourage and support the continuing development and improvement of police responses to the requirement identified in the armed policing strategic threat and risk assessment (APSTRA), (refer to **section 3.2**).

## 1.2 Statutory basis of the code

1.2.1 This code of practice comes into effect on 14 January 2020 and replaces the Code of Practice on Police Use of Firearms and Less Lethal Weapons published November 2003.

1.2.2 This code of practice has been issued by the College of Policing with the approval of the Secretary of State for the Home Department. It is made under section 39A of the Police Act 1996, which allows the College of Policing, with the approval of the Secretary of State, to issue codes of practice relating to the discharge of their functions by chief officers of police if the College of Policing considers that:

- it is necessary to do so in order to promote the efficiency and effectiveness of police forces generally
  - it is necessary to do so in order to facilitate the carrying out by members of any two or more police forces of joint or coordinated operations, or
  - it is for any other reason in the national interest to do so.
- 1.2.3 It applies directly to the police forces maintained for the police areas of England and Wales defined in section 1 of the Police Act 1996 (or as defined in any subsequent legislation).
- 1.2.4 It applies particularly to chief officers in the discharge of their duties.
- 1.2.5 It is available for adoption by non-Home Office police forces and agencies<sup>1</sup> in England and Wales and by other jurisdictions within the United Kingdom.
- 1.2.6 The Code should be used in conjunction with the Authorised Professional Practice for Armed Policing<sup>2</sup> (APP-AP) issued by the College of Policing and other relevant guidance.
- 1.2.7 In discharging any function to which a code of practice issued under section 39A relates, a chief officer of police must have regard to the code.

### 1.3 Use of force by police officers

- 1.3.1 The British model of ‘policing by consent’ is based on the principle that the power of the police comes from the common consent of the public, as opposed to the power of the state. The police service in England and Wales has long been generally unarmed. The use of firearms by the police should always be a last resort, considered only where there is a serious risk to public or police safety. However, where an operational need arises, authorised firearms officers should be available to be deployed.

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<sup>1</sup> Non-Home Office police forces may include Police Service of Northern Ireland (PSNI), Police Scotland, British Transport Police (BTP), Ministry of Defence Police and Civil Nuclear Constabulary (CNC). Agencies may include the National Crime Agency and HM Prison and Probation Service.

<sup>2</sup> <https://www.app.college.police.uk/app-content/armed-policing/>

- 1.3.2 When police are required to use force to achieve a lawful objective (eg making a lawful arrest, acting in self-defence or protecting others) all force used must be reasonable in the circumstances. If the force used is not reasonable and proportionate, the officer is open to criminal or misconduct proceedings. It may also constitute a violation of the human rights of the person against whom the force was used.

### United Nations' basic principles on the use of force and firearms by law enforcement officials

- 1.3.3 According to the **UN basic principles** on the use of force and firearms by law enforcement officials:

“Governments and law enforcement agencies shall adopt and implement rules and regulations on the use of force and firearms against persons by law enforcement officials. In developing such rules and regulations, governments and law enforcement agencies shall keep the ethical issues associated with the use of force and firearms constantly under review.”

“Governments and law enforcement agencies should equip law enforcement officials with various types of weapons and ammunition to allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations.”

“The development and deployment of non-lethal incapacitating weapons should be carefully evaluated in order to minimise the risk of endangering uninvolved persons, and the use of such weapons should be carefully controlled.”

“Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.”

## 1.4 Law relating to the use of force

- 1.4.1 This code applies within the framework of law governing the use of force by the police, which forms part of the general law of England and Wales - the relevant parts of which are summarised within the APP-AP.

## 1.5 Use of force and transparency

- 1.5.1 In the interests of accountability and transparency the APP-AP is publicly available.
- 1.5.2 In the interests of ensuring transparency in how police officers use force, from April 2017 police forces began to record and publish a range of data each time force is used. Data collected includes the reason force was used, injury data, the type of force used, the gender, ethnicity and age of the subject involved, and the location and outcome of the incident.
- 1.5.3 Police forces should analyse operational use of force data to build an evidence base to learning which can be reflected in the development of policy, training and tactics to improve safety for all. Particular attention should be given to data and information relating to those individuals and groups identified as most vulnerable.
- 1.5.4 Data is provided to the Home Office as part of the annual data requirement and published annually.

## 1.6 Secretary of State powers to prohibit or approve police forces to use specified equipment

- 1.6.1 The Secretary of State may, using the powers under sections 53 and 53A of the Police Act 1996 (as amended by the Police Reform Act 2002), prohibit police forces from, or approve police forces to, use specified equipment. These powers may only be used:
- if considered necessary by the Secretary of State to promote the efficiency or effectiveness of the police force
  - following consultation with representatives of the interests of chief officers, PCCs and any others whose advice is considered necessary
  - if the text of the regulation has been prepared or approved by the College of Policing.

## 2 Scope and status of this code

### 2.1 Weapons and munitions covered by this code

- 2.1.1 This code applies to any firearms, specialist munitions and less lethal weapons available for deployment within police forces, in the circumstances and framework described within the APP-AP.

**Less lethal weapons are defined as: weapon systems designed to be used by law enforcement directly against an individual or group of individuals to achieve a physical effect in order to mitigate a threat, without substantial risk<sup>3</sup> to the subject of permanent or serious injury, or death. While the actual outcome may, on occasions, be lethal, this outcome is less likely than when conventional firearms are used.**

As set out in the APP-AP, the less lethal aspect does not derive from the weapon or munitions alone but from the weapon system, and it is this which is assessed by an independent medical advisory body before the system can be approved for use.

**Specialist munitions are defined as: devices or munitions used by law enforcement personnel for the purpose of gaining a tactical advantage. For example, distraction devices or breaching rounds, which are used to facilitate entry to a building.**

**While not fired or propelled directly at an individual, certain specialist munitions may achieve their intended purpose through a direct physical effect on an individual(s). Where this is the case, they will also require appropriate medical evaluation and must be considered for approval by the Home Office (refer to [section 5](#)).**

- 2.1.2 The range of equipment available for the purposes described at [paragraph 1.3.2](#) may include not only conventional firearms but also less lethal weapons and specialist munitions which may not necessarily fall within the statutory definition<sup>4</sup> of a firearm. All such weapons will require the appropriate evaluation (refer to [section 5](#)) prior to use and will only be used by those who have met predefined standards of competence (refer to [section 6](#)).

<sup>3</sup> The level of risk will be substantially higher if the less lethal weapon is used without adherence to the relevant guidance and training.

<sup>4</sup> See 1968 Firearms Act.

- 2.1.3 Weapons and munitions covered by this code currently include all conventional firearms, specialist munitions, conducted energy devices (CEDs), attenuating energy projectiles (AEP) and their delivery systems. The code will also apply to all such weapons available to police forces now or in the future which have been subject to the relevant approval process as described in **section 5**.
- 2.1.4 This code does not apply to personal safety equipment routinely issued to patrol officers for self-defence purposes, such as a baton, sensory irritant spray and restraint equipment. Information about the use of PSE can be found in the **National Personal Safety Manual**. This code does not apply to conventional or kinetic equipment used for manual method of entry (MOE).
- 2.1.5 Where there is any doubt whether this code should apply to a firearm, specialist munition or less lethal weapon, it should be referred to the relevant National Police Chiefs' Council (NPCC) leads for armed policing or less lethal weapons and the Home Office for consideration.

## 2.2 Relationship of the code to other guidance

- 2.2.1 When applying this code, chief officers must take account of:
- Authorised Professional Practice (APP) issued by the College of Policing.
  - Other relevant guidance, including that issued by the relevant independent investigative authority.

## 2.3 Role of HM Inspectorate of Constabulary and Fire and Rescue Services

- 2.3.1 HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) will continue to inspect police forces in regard of their arrangements for armed policing and the use of less lethal weapons.

## 2.4 Applicability of code

- 2.4.1 The code is directly applicable to law enforcement officers in all 43 Home Office forces. According to the relevant chief officer's wishes, it may also be adopted by:
- Ministry of Defence Police, National Crime Agency, British Transport Police and Civil Nuclear Constabulary.
  - Police forces in devolved administrations, Police Scotland and Police Service of Northern Ireland.

It is applicable whether officers are deployed within the UK or overseas.

# 3 Responsibilities of chief officers

## 3.1 Armed policing and less lethal weapons portfolio holder

3.1.1 For the purpose of maintaining standards within each force, chief officers should ensure that an officer of at least the rank of assistant chief constable, or equivalent, is nominated to be responsible for:

- the arrangements for the training of officers to use weapons covered in this code
- the operational deployment of weapons covered in this code.

3.1.2 Where cross-force collaborative arrangements exist for training, there must be a single nominated chief officer with responsibility for these arrangements. Where cross-force collaborative arrangements exist for operational deployment there may be separate nominated chief officers with responsibility for these arrangements. All responsibilities should be clearly defined and documented.

## 3.2 Armed policing strategic threat and risk assessment (APSTRA)

3.2.1 Chief officers are required to assess the capability and capacity required by their force to respond effectively to identified armed policing related threat and risks. These assessments should be used to determine:

- what types of weapons need to be available within their forces, either from each force's own resources or by agreement with one or more other forces
- the numbers of officers in their forces required to be trained in the use of such weapons and in providing tactical advice in the use of such weapons, and the numbers and ranks of officers to be trained to command incidents involving such weapons
- arrangements for the deployment within their forces of weapons and personnel trained to use them.

3.2.2 Chief officers should ensure that known and reasonably foreseeable threats and risks in their police areas, which may be relevant to the use of police firearms and less lethal weapons, are assessed. In establishing the required capability and capacity, the following should be considered:

- common national standards with regard to identified roles
- cross-boundary and national interoperability
- potential obligations under mutual aid arrangements
- the strategic policing requirement, including national policing capabilities
- regional and local plans
- identified good practice
- recommendations made by policing or external bodies.

3.2.3 Each force's APSTRA assessment should be regularly reviewed and updated, at least bi-annually.

3.2.4 Guidance on the content and completion of APSTRA is contained within APP-AP.

### 3.3 Authorisation procedures for operational deployment of weapons covered by this code

3.3.1 Chief officers must have documented procedures in place for the authorisation of the operational deployment of firearms, specialist munitions and less lethal weapons in accordance with the APP-AP. Operational deployments may only be authorised by officers who are competent to do so.

3.3.2 Chief officers may only authorise less lethal weapons and specialist munitions covered by this code for local operational deployment which have previously been approved for use by UK police forces by the Home Office. The process for Home Office approval is detailed in **section 5**.

### 3.4 Communication with police and crime commissioners (or equivalent) community engagement and impact

- 3.4.1 Where appropriate, chief officers will provide police and crime commissioners<sup>5</sup> (PCCs) with timely and accurate updates of relevant information in relation to armed policing and less lethal weapons, particularly for significant changes in deployment profile, to allow PCCs to fulfil their duties.
- 3.4.2 Chief officers should ensure that community engagement procedures are in place in relation to armed policing and less lethal weapons, particularly for significant changes in deployment profile.
- 3.4.3 Chief officers should consider the need to provide timely and accurate information to local communities to maintain community confidence and reassurance in police action(s).
- 3.4.4 Where appropriate, chief officers should provide timely and accurate updates of activities to communities.
- 3.4.5 When communicating with the public about an incident involving weapons covered by this code, the following should be considered:
- a risk of prejudice to possible future legal proceedings
  - future misconduct proceedings
  - any disclosure of sensitive operational information
  - retaining the confidentiality of aspects of training, tactics and weapons.
- 3.4.6 Due regard should be given to authorised professional practice on engagement and communication, published by the College of Policing.
- 3.4.7 Where appropriate a specific community impact assessment should be conducted. The community impact assessment should be considered at the planning stage, during the operation, and after it. The purpose of such assessment is to determine the needs of communities, taking account of their circumstances and vulnerability, and the potential responses from the community to the planned police operation.

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<sup>5</sup> Equivalents can include the mayor in major cities or MOPAC in London.

# 4 Procedures for the selection and acquisition of firearms, ammunition and specialist munitions

## 4.1 Selection and acquisition of weapons

- 4.1.1 Chief officers are responsible for the selection and acquisition of firearms and ammunition. The selection of weapons and ammunition must be based on the operational requirement identified by the threat and risk assessment process set out in 3.2. The chief officer must ensure that the weapons selected are evaluated against a documented operational requirement in accordance with this code. This evaluation should be centrally coordinated as per **section 4.2**.
- 4.1.2 Chief officers must have regard to APP-AP, National Police Firearms Training Curriculum (NPFTC) and Government<sup>6</sup> guidance as it relates to the selection of firearms, including their calibre, ammunition and specialist munitions.
- 4.1.3 The selection and acquisition process should take account of procurement best practice principles. However this should not compromise the need to minimise the risk of serious or permanent injury or death (refer to **section 1.3**). Cross-force collaboration should take place whenever possible to ensure cost savings.
- 4.1.4 Guidance for the selection of ammunition can be found in the APP-AP.

## 4.2 Development of new firearms, munitions and specialist munitions

- 4.2.1 Chief officers should monitor emerging operational requirements in their forces, and the availability of new weapon systems, which may improve the safety of operations involving weapons. It is important that the continuing development of weapon systems, including their related operating procedures, should be centrally coordinated. This is to ensure that emerging requirements of the police service may be properly identified and met, that weapon systems may be adequately tested and evaluated for police use, and that good practice may be promulgated and adopted within the service.
- 4.2.2 Where a force identifies an operational requirement that is not met by an existing weapon system then they must consult NPCC Armed Policing Lead who can request technical information on the system. Dstl, under direction of the Home Office, provides guidance on the evaluation of weapons and munitions. NPCC centrally coordinates evaluation data.

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<sup>6</sup> Formerly Home Office CAST (Centre for Applied Science and Technology) prior to their merger with Dstl in April 2018.

- 4.2.3 When chief officers identify a requirement to introduce any new type of firearm, ammunition or specialist munition they must ensure that the operational requirement is documented and the new weapon system is adequately tested against these requirements before it is introduced.
- 4.2.4 For any ammunition to be used operationally by the police it must be recommended by Dstl, having been assessed against the documented operational requirement and have been:
- evaluated by Dstl in respect of its characteristics and ability to meet the defined operational requirement OR
  - have identical or superior characteristics to ammunition which has been evaluated and recommended by Dstl or other Home Office approved body.

### 4.3 Availability of approved firearms, ammunitions and specialist munitions

- 4.3.1 Chief officers of police must ensure that their officers who are authorised to use firearms and specialist munitions are equipped and trained in accordance with this code.
- 4.3.2 The training for and operational use of such weapons must follow any specific guidance relating to the use of each weapon as set out in section 6 and according to the National Police Firearms Training Curriculum (NPFTC) and APP-AP.

### 4.4 Issue of weapons to competent officers

- 4.4.1 Firearms and specialist munitions must be issued only to officers assessed as competent to use them in accordance with the training and assessment procedures in **section 6**.

### 4.5 Approval of specialist munitions

- 4.5.1 Where specialist munitions achieve their intended purpose through a physical effect on an individual(s) they will also require appropriate medical evaluation and must be considered for approval by the Home Office. Where this is the case, the approval process will be aligned with the approval process for less lethal weapons. Refer to **section 5** for detail of the approval process.

# 5 Development and the approval of less lethal weapons by the Home Office

## 5.1 Strategic principles

- 5.1.1 The Home Office and the national police lead for less lethal weapons should monitor the continuing research into, and the development of, acceptable and effective less lethal weapon systems in response to an evolving operational requirement and capability gaps.
- 5.1.2 The strategic objective of the development of new weapon systems is to provide police officers with less lethal tactical options which will:
- reduce the reliance on conventional firearms and ammunition
  - allow police officers to achieve a lawful objective when the force used is reasonable and proportionate in the circumstances.
- 5.1.3 New less lethal weapon systems and significant changes to pre-approved less lethal weapons systems will require approval by the Home Office before they can be used by police forces in England and Wales. This approval process is required because of the unique risks and societal implications that apply to use of less lethal weapons, including the careful balance that needs to be struck between them being as effective as possible while also minimising risk of serious or permanent injury or death. All changes to less lethal weapons must be referred to the national policing lead and the Home Office for consideration.
- 5.1.4 Where approval is required by the Home Office, the Home Office will determine on a case by case basis whether the decision is made by the Secretary of State for the Home Department or a delegated Home Office authority as appropriate.
- 5.1.5 As part of the approval, evaluation and assessment process for such weapons the following must be considered, and will include, where appropriate:
- a needs analysis
  - determination of operational requirement
  - independent (of the manufacturer) technical and medical assessment (to include capability, limitations effect and lethality)
  - operational performance trials.

The approval process will take into account relevant strategic, ethical, operational and societal issues.

- 5.1.6 The threshold for requiring Home Office approval will be met when:
- a new weapons system – which has no precedent of use by law enforcement in England and Wales – meets the definition of a **less lethal weapon** (or certain specialist munitions)
  - a significant change (technical, physical or usage) is made to an approved less lethal weapon (or certain specialist munitions)
  - a new weapons system, or a change to an approved weapons system, represents a potential change to the UK model of policing by consent.
- 5.1.7 Where there is any doubt whether the need for Home Office approval applies to a less lethal weapon system (or certain specialist munitions), or changes to a less lethal weapon system (or certain specialist munitions), it must be referred to the Home Office and the relevant NPCC lead for consideration. The decision on whether Home Office approval is required will be made on a case by case basis by the Home Office following consultation with relevant parties.
- 5.1.8 Where this threshold is not met, the Home Office will notify the NPCC as such, and the decision on approval may be undertaken by the NPCC, taking into account factors as set out in **paragraph 5.1.6**.
- 5.1.9 As set out in the APP-AP, chief officers must not use new less lethal weapons except in accordance with this code.

## 5.2 The process for Home Office approval of less lethal weapon systems

- 5.2.1 Chief officers must monitor:
- emerging capability gaps in their forces, by means of the strategic threat and risk assessment process
  - in cooperation with each other and the relevant national policing lead, the availability of new less lethal weapon systems which may improve the safety of operations.

- 5.2.2 When a new less lethal weapon (or certain specialist munitions) is identified which requires Home Office approval, the Home Office will provide police with guidance on the information (as set out in **paragraph 5.1.6**) required to demonstrate its suitability for use by police forces in England and Wales.
- 5.2.3 The Home Office will then commission independent technical and medical advice to assess the technical characteristics and medical implications associated with the weapon system's use. The Home Office will take into account all relevant information and make a decision on approval.
- 5.2.4 A similar process will take place to allow the Home Office to consider the approval of a significant technical, physical or usage change to a pre-approved less lethal weapon (or certain specialist munitions).

### 5.3 The acquisition and use of less lethal weapons

- 5.3.1 Chief officers will be responsible for the acquisition of less lethal weapons (which have already been approved through the NPCC/Home Office process) for use in their force areas, on the basis of the threat and risk assessment processes referred to at **section 3.2** above.
- 5.3.2 Appropriate chief officers should consider procurement best practice when acquiring less lethal weapons. However this should not compromise the need to minimise the risk of serious or permanent injury or death (refer to **section 1.3**). Cross-force collaboration should take place whenever possible to ensure cost savings.
- 5.3.3 Chief officers may also have less lethal weapons undergoing trial or evaluation available as part of the national approval process detailed at **section 5.2**. In such cases, and in adherence to the clear criteria and parameters that will have been issued by the Home Office to chief officers of designated trial forces, they may authorise deployment of such weapons in accordance with any related guidance for use.
- 5.3.4 Chief officers must ensure that only officers who are specially trained in accordance with this code may use less lethal weapons.
- 5.3.5 The training for and operational use of such weapons should follow relevant training curriculum and APP-AP guidance relating to the use of each weapon.

# 6 Selection, training and accreditation of officers

## 6.1 Chief firearms instructor

- 6.1.1 For the purpose of maintaining standards in training the firearms portfolio holder must appoint a competent person as chief firearms instructor (CFI). The CFI is responsible for the delivery of the annual firearms training plan to meet the capability and capacity requirements identified by the APSTRA (refer to **section 3.2**).

## 6.2 Selection, training and maintaining competence

- 6.2.1 Chief officers of police must arrange the selection and training of officers:

- to use weapons covered by this code
- to provide tactical advice for operations involving such weapons
- to command the deployment of armed officers
- to perform the role of Post Incident Manager and Appointed Officer.

- 6.2.2 Chief officers must ensure that the selection, training and accreditation of officers identified by this code meets the requirements of the NPFTC, APP-AP and the College of Policing licensing standards.

- 6.2.3 Where an officer maintains competence to the common standards identified in the relevant national role profile within the NPFTC and any additional APSTRA based requirements, they may be authorised for operational deployment with weapons covered by this code. While the College of Policing is responsible for setting the relevant standards, it is for forces to authorise such operational deployment.

- 6.2.4 A commander's, tactical advisor's and post incident manager's occupational competence should be formally approved by the firearms portfolio holder. The decision to deploy them operationally in that role will be one for the nominated force chief officer (responsibility for training and operational deployment may or may not be the same portfolio holder).

## 6.3 Record keeping

- 6.3.1 Chief officers should ensure that their force maintains accurate and auditable records of evaluation, selection, training and accreditation of all officers and staff in all roles identified in this code. Such record keeping will inform the accreditation process of an officer's licence to practise.

## 6.4 Training to common national standards

6.4.1 Training in accordance with the NPFTC not only ensures the maintenance of consistent standards, but also facilitates interoperability. For this purpose the NPFTC will define standards of competence for officers and staff identified in this code.

## 6.5 Joint training and exercising

6.5.1 In order to test local and regional response plans and protocols in terms of effectiveness and interoperability, forces should maintain a regular programme of exercising. This programme should be documented within the annual firearms training plan (refer to section **6.1.1**) and may include:

- joint training with other forces
- live and table top exercising within force, with other forces, military and emergency service partners.

## 6.6 Development of curriculum

6.6.1 The body responsible for the development and management of curriculum content is the College of Policing, or any successor body designated by the Secretary of State.

## 6.7 Development and approval of new tactics

6.7.1 The development of tactics is centrally coordinated in the interests of consistency and interoperability by the College of Policing. Forces and agencies should only develop alternative tactics in consultation with the College of Policing.

6.7.2 Where forces identify issues with existing tactics or procedures, in either operations or training, they should consult with the College of Policing so that such tactics or procedures may be reviewed.

## 6.8 Awareness training on armed policing and less lethal weapons

6.8.1 Chief officers must ensure that all operationally deployed officers and police staff receive awareness training on their role within armed policing and LLWs deployments, and all associated implications.

# 7 Post-deployment procedures

## 7.1 Accountability

- 7.1.1 In order to maintain public confidence the police service must remain accountable. Chief officers should recognise the value of independent scrutiny in holding the police service to account and identifying operational and organisational learning.
- 7.1.2 Post-deployment procedures are designed to ensure that all armed and less lethal weapon deployments, irrespective of whether weapons have been discharged, are conducted in a manner which:
- ensures the integrity of the legal process in respect of police action, persons arrested or evidential material seized
  - enables follow-up action related to any ongoing crime
  - identifies any operational or safety-critical issues in respect of procedures, training, weapons or equipment used
  - ensures individual, team and organisational learning takes place and is addressed both locally and nationally as appropriate.
- 7.1.3 Chief officers should ensure that there is a debriefing mechanism in place, following an authorisation to deploy armed officers or any use of force that results in a death or serious injury, in order to identify operational learning. The debriefing process should be scalable depending on the significance and consequence of the event.

## 7.2 Post-incident investigations

- 7.2.1 The term post-incident describes the period following the discharge or use of a weapon covered by this code by the police, where an investigation into police action is to be conducted. As with post-deployment procedures, these are also scalable.
- 7.2.2 Post-incident investigations will commence in all situations where there has been a discharge of a weapon by the police (including those involving a conventional firearm or less lethal weapon), whether intentional or unintentional, which has or may have:
- resulted in death or serious injury (these will be subject to mandatory referral to the Independent Investigatory Authority (IIA))
  - revealed failings in command or supervision
  - caused danger to officers or the public.

7.2.2 The **European Convention on Human Rights (ECHR) article 2** imposes a duty on the state to conduct an effective official investigation when individuals have been killed (or in some cases seriously injured) as a result of the use of force by the police.

7.2.3 The essential purposes of an article 2 investigation are:

- to secure the effective implementation of domestic laws which protect the right to life
- in those cases involving state agents, to ensure their accountability for deaths occurring under their responsibility.

The investigation must be capable of leading to a determination of whether the force used was or was not justified in the circumstances, and to the identification and punishment of those responsible in appropriate cases.

7.2.4 Chief officers should ensure that operating protocols exist within their forces defining the action to be taken to ensure that APP-AP and other statutory guidance can be applied. These protocols should include the:

- management of the incident scene, preservation of evidence and continuity of command until responsibility for the investigation is transferred to the IIA
- identification of suitable venues for the post incident procedures to be conducted
- provision of post incident managers and appointed officers
- hand-over to the Independent Investigatory Authority (IIA) where necessary
- maintain the integrity of witness evidence, including the provision of accounts by key police witnesses
- return of officers, where appropriate, to operational duties
- identification of welfare arrangements including longer term arrangements for the management and welfare of officers and other staff concerned and their families where appropriate.

## 7.3 Role of Independent Investigatory Authority

- 7.3.1 In the case of death or serious injury, and in other cases to be defined by regulations made by the Secretary of State, referral to the IIA is mandatory. But chief officers should also consult the IIA:
- where required to do so by any guidance issued by the IIA
  - in any case where the weapon used was under trial or evaluation as provided for at **paragraph 5.3.3**
  - in any other case on a voluntary basis where the gravity of the incident or its special circumstances, including the reaction of the local community, requires consideration of a formal investigation.
- 7.3.2 When considering an investigation connected with police use of weapons covered by this code, chief officers should consult the IIA to enable the IIA to determine, in accordance with Part 3 of Schedule 3 to the Police Reform Act 2002, whether such investigation is necessary and, if so, the form which the investigation will take.

## 7.4 Community impact

- 7.4.1 Chief officers should ensure that the need for community impact assessment is considered where weapons covered by this code are deployed (See **paragraph 3.4.6**). In a post-incident context the community impact assessment should take particular account of affected families, relatives or close friends of any persons who may be involved. It should also take account of the potential to compromise the investigation.
- 7.4.2 There should be early consideration of the involvement of family liaison officers, and of the need to keep relevant individuals informed.
- 7.4.3 The chief officer should consider the involvement of community representatives as part of post-incident procedures or any subsequent investigation or review.

# 8 Promulgation of learning

## 8.1 Promulgation of good practice

- 8.1.1 The police service should seek continuous development through the assessment of police practices relating to armed policing and less lethal weapons. Such developments should be made available throughout the police service, including to those responsible at national level for evaluation and approval of weapons, tactics and training procedures.
- 8.1.2 For that purpose, chief officers must arrange a review or debrief following any operation where there is any reason to believe that such a review might identify improvements in procedures within the same force or in other forces.
- 8.1.3 Chief officers must ensure that the College of Policing and NPCC are informed where issues are identified that may have implications for:
- other forces
  - Authorised Professional Practice
  - the NPFTC.

This is particularly important for safety critical issues.

- 8.1.4 The police service should ensure that arrangements are in place to capture learning and recommendations relevant to armed policing (including relevant learning from the military and other countries). This should include a mechanism to ensure central coordination of learning, consideration of recommendations and maintaining an audit of the police service's response.
- 8.1.5 Operational learning and debriefing should inform the APSTRA process.

## 8.2 Safety critical incidents in training

- 8.2.1 Where an incident occurs in training that that may have safety implications for:
- other forces
  - Authorised Professional Practice
  - the NPFTC.

Chief officers should ensure that the College of Policing and relevant national policing leads are informed. Where there is doubt to whether an incident has such implications the College of Policing should be consulted.

# 9 Maintenance, storage and accounting of weapons and munitions

## 9.1 Procedures

9.1.1 In order that weapons and munitions can be stored, used safely and appropriately audited, chief officers must ensure that procedures are in place for the following:

- Routine maintenance and inspection regimes by a competent person.
- Quarantining and labelling of unserviceable weapons, ammunition and specialist munitions.
- Inspection, testing and repair of weapons, subject to quarantine, by a competent person.
- Destruction, withdrawal, replacement, or confinement to non-operational use of weapons that are unserviceable.
- Regular auditing of weapons, ammunition and specialist munitions.
- Auditable records of the above.

## 9.2 Fault reporting

9.2.1 Chief officers should ensure procedures exist for the reporting of failures or defects of munitions and weapons to Dstl. NAP and Dstl will be responsible for advising on the technical investigation of such matters.

## 9.3 Storage

9.3.1 Chief officers must ensure that there are secure armoury facilities for storing firearms, less lethal weapons and munitions held for operational and training purposes.

## 9.4 Auditing and accounting

9.4.1 The system of accounting for firearms, specialist munitions, less lethal weapons and ammunition must provide an audit trail for the issue, movement and return of weapons, and of the issue, return and use of ammunition.









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## About the College

We're the professional body for everyone who works for the police service in England and Wales. Our purpose is to provide those working in policing with the skills and knowledge necessary to prevent crime, protect the public and secure public trust.

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