



## Firearms Specialist Group

### **Note of the meeting held on 17 February 2025 held in Birmingham and online via videoconference.**

#### **1. Welcome, introductions, review of actions and minutes**

- 1.1.1 The Chair welcomed all to the eighth meeting of the Firearms Specialist Group (FSG). Members introduced themselves, including a new representative from the Crown Prosecution Service (CPS), outlining their backgrounds and expertise.
- 1.1.2 The draft minutes from the seventh meeting, held on 26th September 2024, were reviewed by the attendees. Following the review, the minutes were formally ratified as an accurate record of the discussion.
- 1.1.3 The full list of the attendee organisations and apologies is provided at Annex A.

#### **2. UKAS Update**

- 2.1.1 Discussion occurred regarding the current UKAS resourcing capability. It was indicated that while some staff absences are expected (including long-term leave such as maternity leave), provisions for maintaining capacity are being implemented.
- 2.1.2 It was noted that the transition workplan related to the FSR Code Version 2 is currently consuming the majority of the time and focus.
- 2.1.3 A reduction in the number of applications submitted for extensions to scope was also noted. This trend is thought to be potentially linked to the prevailing uncertainty surrounding the timelines for implementing Code Version 2.

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### **3. OFSR Update**

- 3.1.1 Publication of the FSR Code Version 2 is anticipated during the first quarter of 2025, pending necessary ministerial and parliamentary approvals.
- 3.1.2 The transition process to Code Version 2 is expected to be less extensive compared to the initial transition from non-statutory codes to Version 1.
- 3.1.3 Attention is particularly focused on the new FSA (Forensic Science Activity) specific requirements detailed within the Code, notably the FRD requirements and Section 5A, which introduce certain complexities.
- 3.1.4 Discussions are actively continuing regarding the precise details to be included within scopes and schedules of accreditation under the revised Code

### **4. Updates to the Code**

- 4.1.1 The meeting addressed significant challenges and ambiguities surrounding the interpretation and declaration of compliance with requirements of Forensic Science Activities (FSAs) as defined under the Forensic Science Regulator's Code of Practice (Version 2). The discussion focused on the practical implications for practitioners and the potential impact on stakeholders, including the judiciary.
- 4.1.2 Uncertainty exists regarding the precise scope of an FSA, particularly whether specific tasks (such as swabbing cartridge cases and guns for gunshot residue) constitute sub-activities automatically included within a broader FSA definition. This has direct consequences for compliance assessment and declarations.
- 4.1.3 A central point of debate was whether compliance with an FSA is strictly binary – meaning compliance with all defined sub-activities is mandatory. It was noted that changes in the wording of Code V2 (from potentially "all or part" to emphasising "all" sub-activities) have intensified the need for clarity on this interpretation. This fundamental question remained unresolved.
- 4.1.4 Significant concerns were expressed about the complexities and appropriate methods for declaring compliance when an organization performs and is compliant with only some FSAs, or only some sub-activities within a larger FSA.

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It was questioned how such partial compliance should be reflected in overall compliance statements within reports. It was clarified that practitioners need only declare in terms of the parts of the FSA that they undertake.

- 4.1.5 The potential conflict between declaring partial compliance for specific FSAs and the underlying principle of overall compliance with the Code was highlighted.
- 4.1.6 The primary purpose of compliance declarations – to accurately inform the judiciary and customers about accredited activities – was reiterated. There was concern that declaring non-compliance for activities not undertaken, or ambiguity in reporting partial compliance, could lead to confusion or misinterpretation by the judiciary and other stakeholders.
- 4.1.7 The risk was raised that unclear or partial compliance declarations could potentially be exploited by defence experts to challenge forensic findings.
- 4.1.8 It was broadly acknowledged that the existing guidance surrounding FSA compliance and declarations is confusing, even for experienced professionals, underscoring the need for improved clarity and transparency.
- 4.1.9 A suggestion was made to explore whether reframing certain sub-activities as distinct, individual FSAs might simplify the compliance and declaration process.
- 4.1.10 **ACTION:** Escalate key issues to the Forensic Science Regulator for definitive clarification, covering FSA/sub-activity definitions, the binary nature of compliance under Code V2, methodologies for reporting partial compliance, and the consequences of current ambiguities.

## **5. Issues Relating to Firearms Conversion and Rapid Classification**

### **5.1 Conversion of Firearms**

- 5.1.1 Discussion took place regarding the classification of activities involving the conversion of imitation firearms into prohibited weapons under the FSR Code. Specifically, whether this constitutes a distinct Forensic Science Activity (FSA)

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requiring separate definition, or if it falls under existing activities like the identification and classification of firearms (potentially related to FSA-MTP 601).

- 5.1.2 It was noted that the examination process for converted firearms often involves distinct procedures compared to standard classifications, potentially necessitating separate validation studies, witnessing protocols, and Standard Operating Procedures (SOPs).
- 5.1.3 The increased prevalence of convertible blank-firing firearms, highlighted by recent amnesties and seizures, underscores the need for standardised methods and robust quality control when assessing such conversions.
- 5.1.4 A suggestion was made to consider reintroducing elements of a standardized examination protocol previously employed within the forensic science sector to ensure consistency in these assessments.
- 5.1.5 Future related considerations, such as the modification of air weapons and the increasing prevalence of 3D-printed firearm components, were also briefly mentioned as areas potentially requiring attention.

## **5.2 Rapid Classifications for Remand Purposes**

- 5.2.1 The practice of performing rapid classifications of firearms, often for initial remand decisions, was discussed in the context of accreditation and reporting under the FSR Code.
- 5.2.2 Concerns were raised regarding the terminology used in reports following these rapid classifications, particularly the potential to imply adherence to the full accredited process when a comprehensive examination has not yet occurred. It was noted that these rapid assessments often involve visual inspection, sometimes through packaging, rather than full testing.
- 5.2.3 It was clarified that such rapid classification procedures, while valuable for timely information in the early stages of legal proceedings, do not meet the full requirements for accredited firearms classification due to the limited nature of the examination.
- 5.2.4 The time delay between an initial rapid classification and the subsequent full examination was highlighted as a significant issue. Concerns were noted that

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this delay sometimes exceeds the 72-hour timeframe referenced within the FSR Code for completing classifications, potentially impacting compliance and subsequent legal processes.

- 5.2.5 The need for clear guidance on reporting rapid classifications was emphasized, focusing on developing terminology that accurately reflects the preliminary nature of the assessment without misrepresenting the accreditation status.
- 5.2.6 The broader challenge of delays within firearms examination units and their potential impact on the justice system, particularly remand decisions, was also acknowledged.
- 5.2.7 **ACTION:** Seek clarification and guidance from the Forensic Science Regulator regarding the potential definition of a distinct Forensic Science Activity (FSA) for examining converted firearms, reporting requirements and appropriate terminology for rapid firearms classifications including timeframe considerations, and compliance with the 72-hour firearms classification requirement under the Code, especially in light of operational delays.
- 5.2.8 **ACTION:** Collate internal data on the frequency with which the 72-hour timeframe for completing full firearms classifications is currently being exceeded.

## 6. Firearms Returns and Peer Review Processes

- 6.1.1 A report on firearms returns was reviewed. The general indication was that the system appears to be functioning effectively in most areas, with relatively small numbers of firearms typically requiring examination. However, specific concerns were noted regarding potential ambiguity in the return submitted by one force, and possible non-compliance issues identified in the return from another force. These specific instances will be followed up directly. It was also reported that a third force claimed 100% compliance, asserting that all relevant firearms were sent to external Forensic Service Providers; further evidence will be requested to verify this claim. Separately, a detailed review will be undertaken of seventeen specific cases involving items classified as Section 5 firearms,

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comparing the original Section 5 Firearms Application with the subsequent report from the external provider to assess any discrepancies.

**6.1.2 Peer Review Process**

6.1.3 Discussion took place regarding the practice observed in at least one force area where an external consultative committee, based in another region, is utilized for peer review of internal firearms classification decisions. Questions were raised about the specific nature of this arrangement, including whether the review is conducted remotely or in person, and the depth or scope of the review undertaken.

6.1.4 Concerns were expressed regarding potential inconsistencies in approach if such practices become widespread, and the risk that this type of peer review could be misinterpreted as a substitute for formal accreditation. Conversely, it was also suggested that such arrangements, if properly managed, could potentially offer benefits for professional development and knowledge sharing across different areas.

6.1.5 **ACTION:** Follow up directly with the specific forces where potential ambiguities or non-compliance issues were noted in firearms returns, and request further evidence regarding compliance claims where necessary.

6.1.6 **ACTION:** Seek clarification from the force known to be utilizing an external committee for peer review regarding the specific nature, scope, logistics, and governance of that process.

**7. Turkish Blank-Firing Firearms and Associated Legal Considerations****7.1 Turkish Blank-Firing Firearms**

7.1.1 Official correspondence was reviewed concerning issues associated with Turkish top-venting blank-firing firearms and their susceptibility to conversion into prohibited weapons.

7.1.2 Concerns were raised regarding the current lack of a unified and consistent approach across different jurisdictions to the classification and handling of these

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items. An upcoming meeting involving relevant law enforcement agencies, prosecution authorities, and forensic service providers was noted as a key opportunity to seek consensus on classification challenges and address related concerns. It is anticipated that findings from recent workshops and reports detailing the conversion process of these firearms will be presented and discussed.

7.1.3 Significant legal uncertainty persists regarding the status of these firearms under the Firearms Act (specifically Section 1 versus Section 5), with the possibility that clarification from a higher court, such as the Court of Appeal, may ultimately be required.

## **7.2 Legal Considerations**

7.2.1 The potential legal implications of classifying unconverted Turkish blank-firing firearms as Section 5 prohibited weapons were discussed, including the likelihood of legal challenges to such an interpretation. The applicability of the statutory defence provided under Section 1(5) of the Firearms Act 1982 in these circumstances was considered, but significant uncertainty remains.

7.2.2 Concerns were also expressed that a lack of clarity and transparency surrounding the classification process could potentially undermine confidence in relevant agencies and the wider forensic community. The critical importance of adhering to the Criminal Procedure Rules was emphasized, particularly regarding the need for expert statements to accurately reflect any differing professional opinions or existing legal ambiguities.

7.2.3 Consequently, the need for clear guidance and potentially enhanced training for forensic scientists covering the complex legal aspects of firearms classification was highlighted.

7.2.4 **ACTION:** Prepare consolidated input for the upcoming meeting with law enforcement, prosecution authorities, and forensic service providers, ensuring views on the classification challenges and legal implications of Turkish blank-firing firearms are presented, alongside advocacy for a nationally standardized approach to testing and classification, potentially drawing on principles from previously established examination protocols.

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7.2.5 **ACTION:** Continue to monitor legal, operational, and policy developments regarding the status and handling of Turkish blank-firing firearms and provide updates as appropriate.

## 8. AOB

8.1.1 Discussion covered an upcoming strategic workshop related to the national policing science and technology strategy (including a focus on firearms and academic input), noting limited awareness within the Group and raising points regarding representation.

## Annex A

### **Representatives present in person:**

Chair

The National Ballistics Intelligence Service (NaBIS)

Office of the Forensic Science Regulator (OFSR)

Principal Forensic Services

Crown Prosecution Service

### **Representatives present online:**

The National Ballistics Intelligence Service (NaBIS)

United Kingdom Accreditation Service (UKAS)

Metropolitan Police Service Forensic Firearms Unit (MPSFFU)

Nottingham Trent University

Scottish Police Association (SPA)

### **Apologies received from:**

Merseyside Police

Key Forensics