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POLICY	Issue: 2.0
Firearms Policy	Date: 04/12/09

INTRODUCTION

This policy explains how the Civil Nuclear Constabulary (the Constabulary) will approach the Police use of Firearms and less lethal weapons in the deployment of Constabulary authorised firearms officers.

It will apply to any incident, event or operation where officers are required to serve in an armed capacity.

The policy is supported by Constabulary Standard Operational Procedures (SOPs), providing detailed information and instructions relating to the tactics and individual weapons available to the Constabulary, and Memorandum of Understanding.

It takes cognisance of the ACPO Manual of Guidance on the Management, Command and Deployment of Armed Officers 2009, and the Home Office Code of Practice on Police Use of Firearms and Less Lethal Weapons 2003.

STATEMENT OF POLICY

The Constabulary will maintain an effective resource of appropriately trained and equipped authorised firearms officers to deal with any incident or event where the police use of firearms may be necessary. The Firearms Strategic Threat and Risk Assessment, produced annually, ensures that the firearms capability is commensurate with the threat posed.

The Constabulary recognises that an individual's right to life and the safety of the general public are paramount considerations when contemplating the police use of firearms.

Constabulary officers will ensure that any force used by a police officer is legal, proportionate, and reasonable in the circumstances and the minimum amount necessary to accomplish the lawful objective concerned.

The issue of firearms to the police, the deployment of armed officers and the management of firearms incidents will be strictly controlled and will be effected only under rigorous standards of training, authorisation, operational command and accountability.

AIM OF THE POLICY

The aim of this policy is to inform and support the Constabulary decision making in relation to training, the operational deployment and management of authorised firearms officers, the procurement of equipment, and other firearms related issues.

Document Reference	CNC/POL/9.2	Page 1 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

The policy incorporates the Association of Chief Police Officers (ACPO) Manual of Guidance on the Management, Command, and Deployment of Armed Police Officers 2009.

This policy will conform to ACPO minimum standards.

Nothing in this policy overrides the Right to Life.

THE LAW AND REGULATIONS RELATING TO THE USE OF FORCE

Any force used by a police officer must be legal, proportionate, and reasonable in the circumstances and the minimum amount necessary to accomplish the lawful objective concerned.

The Constabulary will take cognisance of the following legislation with reference to the use of force by police officers as well as the development and delivery of firearms training.

The law and regulations regarding the use of force are contained within:

The Human Rights Act 1998;

Section 3 (1) Criminal Law Act 1967;

Section 117 Police and Criminal Evidence Act 1984;

Common Law (both England and Wales, and Scotland) and General Provisions in respect of the use of force and self defence;

OCNS guidance to Masters and Escort Commanders;

The Police (Conduct) Regulations 2008 relevant to the use of force and firearms;

ACPO Manual of Guidance on the Management, Command and Deployment of Armed Police Officers 2009;

Home Office Code of Practice on Police Use of Firearms and Less Lethal Weapons 2003;

National Police Firearms Training Curriculum.

Other relevant legal provisions are:

Corporate Manslaughter and Corporate Homicide Act 2007;

Misconduct in Public Office;

Health and Safety at Work etc Act 1974.

Document Reference	CNC/POL/9.2	Page 2 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

FIREARMS STRATEGIC THREAT AND RISK ASSESSMENT

The Constabulary will produce a Firearms Strategic Threat and Risk Assessment (FSTRA) establishing the operational requirement for armed policing by the Constabulary and to inform the development of its firearms capability.

Due to the geographical spread of operational policing units it will include all relevant Home Office/Scottish police forces equivalent documents as appendices attached to the FSTRA.

The FSTRA will be produced annually to cover the forthcoming 12 month period.

The Superintendent Operations Support is responsible for the production of the FSTRA.

FIREARMS STANDING COMMITTEE

This committee is chaired by the Assistant Chief Constable and meets bi-monthly to examine:

Intelligence in relation to tactics or the modus operandi of adversaries that may impact on the Constabulary's firearms operational tactical ability;

Organisational learning captured and reviewed to support improvement in strategic and operational delivery of firearms management, deployment and training;

Any health and safety issues relevant to firearms operations, training or equipment;

Areas of concern that impact on the delivery of firearms training, such as resources, estates, equipment and training needs;

Changes in national guidance or policy that requires a change to policy and/or procedures, and how these impact on the FSTRA;

The procurement of, stock control, or quality assurance in relation to firearms, ammunition, less lethal assets and relevant equipment to support operational deployment.

It provides a strategic and dynamic forum for setting policy and procedure in relation to armed policing by the Constabulary. It also ensures the Constabulary has pro-active leadership and direction from an officer of ACPO rank, who undertakes the role of lead in respect of armed policing, in line with the ACPO Minimum Standards for Protective Services.

USE OF FORCE, FIREARMS, AND LESS LETHAL WEAPONS

The Constabulary will provide police officers with appropriate training in personal safety training (PST), firearms, less lethal technologies, and the controlled use of force, and will equip them accordingly, so as to protect their safety and that of others.

Authorised firearms officers will deploy a range of less lethal technologies alongside conventional firearms using the most appropriate response to any given situation.

Document Reference	CNC/POL/9.2	Page 3 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

These include negotiation, physical restraint, batons, deployment of police dogs and use of incapacitant sprays, baton launchers or conducted energy devices (TASER).

The X26 Taser will be carried by authorised firearms officers as a less lethal option, for use either when authorised for deployment with conventional firearms, **OR**, under any “extended deployment” guidelines in line with the ACPO policy, “Operational Use of Taser by Authorised Firearms Officers”, version 4 December 2008.

The Launcher will be carried by authorised firearms officers as a less lethal option for use only when authorised for deployment with conventional firearms. It will not be deployed in circumstances where the criterion for the issue of firearms is not met.

AUTHORISED FIREARMS OFFICER

An authorised firearms officer is a police officer authorised by the Chief Constable to operationally carry a firearm; has passed the Initial Firearms Course; is qualified on the primary weapon systems; and is classified as competent, in accordance with the Integrated National Competency Framework.

SELECTION, TRAINING, AND CONTINUAL ASSESSMENT

Due to the unique role of the Constabulary it is a mandatory requirement for recruits to successfully complete the Initial Firearms Course during their Probationer Constable Training Programme.

Therefore, the selection of potential recruits at the various assessment centres used by the Constabulary also encompasses the selection of potential authorised firearms officers. To this end the Constabulary will provide all candidates at assessment centres with an understanding and the implications of the Initial Firearms Course.

The Initial Firearms Course conforms to the National Police Firearms Training Curriculum (NPFTC) and covers weapon handling, shooting, tactics, judgmental ability and legal aspects of armed policing.

Having successfully completed the Initial Firearms Course all authorised firearms officers will undergo continual assessment training, which includes the Response Course and qualification, in accordance with the national standards, in order to retain their firearms authorisation.

To comply with disclosure the details of all re-qualifications and assessments will be recorded in the Firearms Training Record (FTR) of all authorised firearms officers, including incidences where the required standards have not been met.

The Firearms Training Facility will also conduct necessary training with regards to the weapons systems and tactical considerations in respect of the Marine Escort Group and Road Escort Group.

An authorised firearms officer will be trained and qualified in the following, as a minimum standard:

Firearms Tactics;

Document Reference	CNC/POL/9.2	Page 4 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

Heckler and Koch G36 Carbine;

Glock model 17 Self Loading Pistol;

Taser X26.

These, along with officer qualification in PST and First Aid, are the primary weapon systems and qualifications for an authorised firearms officer.

Before being issued with a firearm authorised firearms officers will be required to declare if there is any reason why they should not take a firearm on patrol, or take part in an operation involving their carrying a firearm. This will include the recent drinking of alcohol, a course of drugs, or any other personal circumstances. It also includes physical fitness to carry out all the operational requirements of the role they are being deployed to undertake.

Where an officer does not meet the performance or safety standards required during re-qualification training, for any of the primary weapons systems he/she is trained and qualified in, or in any of the tactical core modules, they will have their authorisation for all weapons suspended until such time as they successfully re-qualify or demonstrate the required tactical/safety competence.

STANDING AUTHORITY FOR THE ISSUE AND CARRIAGE OF FIREARMS

A standing authority for the issue and carriage of firearms is provided by the Assistant Chief Constable for the protection of licensed civil nuclear facilities, and the protection of life, in accordance with the Nuclear Industries Security Regulations 2003 & Technical Guidance for such protection.

SPECIFIC AUTHORITY FOR THE ISSUE AND CARRIAGE OF FIREARMS

At times of specific Constabulary policing operations, e.g. Marine Escort duties, the Assistant Chief Constable will also provide the appropriate authorisation for the duration of that particular operation.

THE ISSUE, AND RECORDING, OF FIREARMS AND RELATED EQUIPMENT

The Constabulary has in place effective and auditable systems for the storage and issue of firearms and related equipment within each of the facilities policed by the Constabulary.

Firearms will only be operationally issued to officers trained and currently authorised to use that particular weapon. A full audit trail will be maintained detailing the issue, transfer, and return of all firearms. All completed documentation will be protectively marked 'CONFIDENTIAL' in line with the Government Protective Marking Scheme, and retained for a period of 5 years.

Document Reference	CNC/POL/9.2	Page 5 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

DEPLOYMENT OF AUTHORISED FIREARMS OFFICERS

Authorised firearms officers are considered as being deployed when they are required to conduct a specific task during which the possession of a firearm with appropriate authorisation is a required element. This includes where they self deploy.

AUTHORITY TO DEPLOY AUTHORISED FIREARMS OFFICERS

The authorisation for the deployment of authorised firearms officers will only be undertaken by qualified and accredited Strategic or Tactical Firearms Commanders in line with their training and the criteria for deployment contained within the ACPO Manual of Guidance on the Management, Command, and Deployment of Armed Police Officers 2009.

The authority to deploy will include authority for all weapons, specialist munitions and/or less lethal options issued to those authorised firearms officers. This will also include the authority to assess the situation and take appropriate action, including, where necessary, the use of force, less lethal weapons, and/or firearms.

SELF DEPLOYMENT OF AUTHORISED FIREARMS OFFICERS

Authorised firearms officers are empowered to self deploy when encountering situations where they believe the necessary criteria for deployment has been met and delay in seeking authority would be detrimental to public or officer safety. Such deployment will take the necessary and proportionate action and be in accordance with their training.

REVIEW OF DEPLOYMENT

In all cases where authorised firearms officers have been deployed commanders will regularly review the need for continued deployment. Where a review has been conducted the outcome and reasons for decisions made will be recorded.

RISK ASSESSMENT

Specific risks associated to this policing activity are the subject of Generic Risk Assessments (GRA). GRA's will be applied on all occasions.

COMMAND

The command and control of all firearms incidents will be conducted in accordance with the principles of the Strategic, Tactical, and Operational Firearms Command structure contained within the ACPO Manual of Guidance on the Management, Command, and Deployment of Armed Police Officers 2009. Further guidance is detailed in The Command and Control of Spontaneous Incidents SOP.

Each operational policing unit has a site specific Memorandum of Understanding (MoU), in accordance with para.6, ACPO Co-ordinated Policing Protocol between the Civil Nuclear Constabulary & Home Office/Scottish Police Forces, that prescribes the command, transfer of command, and deployment protocols to be adopted in the event

Document Reference	CNC/POL/9.2	Page 6 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

of a firearms incident occurring within the Constabulary's policing jurisdiction. These MoU are subject to annual review and updated accordingly.

TACTICAL FIREARMS ADVISORS

Tactical Firearms Advisors will be consulted at the earliest opportunity by the appropriate Commander during all incidents involving the deployment of authorised firearms officers.

THE CONFLICT MANAGEMENT MODEL

To assist the Constabulary's approach to managing conflict and responding to firearms related/potentially violent incidents, the Conflict Management Model will be used in the planning and command of the police response.

AUDIT TRAIL

All authorised firearms incidents will be clearly documented and contain an audit trail that records the decisions made, the person making the decision and the rationale behind the decision.

ACQUISITION OF FIREARMS AND LESS LETHAL WEAPONS

All weapons, less lethal weapons, ammunition and munitions acquired by the Constabulary comply with prevailing advice from the Home Office Code of Practice on Police Use of Firearms and Less Lethal Weapons, Home Office Scientific Development Branch and within the ACPO Manual of Guidance on the Management, Command and Deployment of Armed Police Officers 2009.

The rationale behind the procurement of all Constabulary weapons, less lethal weapons, ammunition and munitions will be documented to provide the required audit trail in line with national standards.

Any decision to utilise weaponry and equipment not subject of HOSDB or ACPO Manual of Guidance recommendations will be subject of approval by the Firearms Standing Committee.

CONSTABULARY WEAPONS MAINTENANCE

The Constabulary Force Armourer will ensure all police weapons are maintained in line with the manufacturers guidelines unless the Firearms Standing Committee approves an alternative system in relation to a particular weapon.

STORAGE OF FIREARMS, MUNITIONS AND EXPLOSIVES

The Constabulary has secure armoury facilities at all units where firearms and munitions are held for either operational or training purposes. In addition, all vehicles used for the purpose of armed mobile patrols have secure containers within them where firearms and ammunition can be secured where/when appropriate.

Document Reference	CNC/POL/9.2	Page 7 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

The storage conditions applied by the Constabulary comply with the advice contained within HOSDB (2008) Guidance on the Safe and Secure Storage of Small Arms Ammunition within Police Armouries. EBP/GN/2008/001 05 February 2008 (Edition 1).

FIREARMS RECOVERY AND SUBMISSION TO THE NATIONAL BALLISTICS INTELLIGENCE SERVICE DATABASE (NaBIS)

The Constabulary is committed to the safe recovery of non-Constabulary firearms, their component parts and ammunition, which come into its possession. Further, the Constabulary will ensure the preservation of forensic evidence and the application of a common national standard for forensic examination and inclusion on to the National Ballistics Intelligence Service Database (NaBIS).

BALLISTIC PROTECTION

The Constabulary will provide body armour on a personal issue basis to all authorised firearms officers. In addition, ballistic helmets and ballistic shields are available to all authorised firearms officers and deployed when the situation demands. Body armour, ballistic helmets and shields, are classified as personal protective equipment (PPE) and as such all legislative regulations are complied with.

The body armour, ballistic helmets and shields, issued and provided, are in accordance with the Home Office Scientific Development Branch (HOSDB) standards following a review of threats documented within the Firearms Strategic Threat and Risk Assessment.

The Constabulary maintains a number of vehicles that are ballistically protected. These vehicles are predominantly used on Constabulary operations to protect against the threat of terrorist attack.

POST ARMED DEPLOYMENT AND POST INCIDENT PROCEDURES

The Constabulary will comply with the post incident procedures as detailed in chapter 7 ACPO Manual of Guidance on the Management, Command and Deployment of Armed Police Officers 2009, and the Constabulary Post Armed Deployment and Post Incident Procedures SOP.

Post incident investigations will be commenced in all situations where there has been a discharge of a weapon by 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;

Revealed failings in command;

Caused danger to officers or the public;

Or where it is otherwise in the public interest to implement the procedures.

Document Reference	CNC/POL/9.2	Page 8 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		

UNCONTROLLED

The Constabulary will comply with the national procedures and requirements in relation to the notification of the Independent Police Complaints Commission (IPCC) of a relevant matter.

The Constabulary will maintain a number of trained Post Incident Managers (PIMs) who will be utilised in accordance with the above guidance and procedures.

UNINTENTIONAL DISCHARGES

The Constabulary will ensure that any unintentional discharge of a police firearm, including TASER, whether in training or operationally, will be managed and investigated in accordance with procedures detailed within the Unintentional Discharges SOP.

Temporary/permanent suspension or re-instatement of firearms authorisation will be in accordance with force procedures detailed within the Unintentional Discharges SOP.

DISTRIBUTION AND PUBLICATION

This policy is suitable for public disclosure.

The publication of this policy to staff will be via the Constabulary Intranet.

Advice on the application of this policy is available from the Constabulary Operations Support Department.

MONITORING AND EVALUATION

The monitoring and evaluation of this policy is the responsibility of the Superintendent Operations Support Department who will review it annually.

Document Reference	CNC/POL/9.2	Page 9 of 9
Uncontrolled when printed unless subject to controlled issue Refer to Index of Policies for current version		