



**Name of meeting:** Professional Committee  
**Date of meeting:** 13<sup>th</sup> June 2019  
**Item lead at meeting:** Janette McCormick  
**Agenda item number:** 1  
**Title of paper:** **Update on Code of Practice on Armed Policing and Police Use of Less Lethal Weapons**

## 1. Issue

The College has conducted a public consultation on the draft Code of Practice on Armed Policing and Police Use of Less Lethal Weapons (the draft Code) and is asking Professional Committee to review the draft Code and support it going to the Home Secretary for consideration for laying before Parliament as a Code of Practice.

## 2. Recommendation

2.1. Professional Committee is asked to review and support the draft Code.

## 3. Summary

3.1 The draft Code is a high level document which sets out the roles of the College, HMICFRS and Chief Constables in relation to armed policing and less lethal weapons. It has been developed by the College working with the Home Office and key National Police Chiefs' Council (NPCC) portfolio leads.

3.2 The draft Code has been subject to a public consultation and a summary of the responses received together with the existing Home Office Code of Practice and the draft Code are made available for consideration by Professional Committee. Professional Committee are asked to review the draft Code and support it being submitted to the Home Secretary for consideration for laying before Parliament as a statutory code of practice

## 4. Background Information

- 4.1 The existing Code of Practice on Police Use of Firearms and Less Lethal Weapons was published by the Home Office in November 2003 (see Annex A). The code sets out the basic principles in relation to the national common standards for armed officers and for the selection, evaluation, approval, authorisation, acquisition and use of firearms, specialist munitions and less lethal weapons by police. The Code is in need of updating to reflect changes in policing structures and responsibilities, the equipment used by the police service and learning from Inquiries.
- 4.2 When the Home Office Code was first published the governance and processes by which compliance would be achieved and assessed were not established. This is no longer the case and the revised code seeks to better articulate and clarify the

requirements, with appropriate reference made to the current national standards and governance.

- 4.3 The revised code has been influenced by organisational learning and recommendations made by external bodies (e.g. IOPC and public inquiry) as well as the public consultation process described below. The code is supported by the more granular operational detail provided by Authorised Professional Practice for Armed Policing (which incorporates less lethal weapons) and the National Police Firearms Training Curriculum (NPFTC).
- 4.4 The code deliberately excludes personal protective equipment approved for use by the police service (e.g. batons, handcuffs & irritant sprays) and sets out the responsibilities of the relevant chief officer within Home Office police forces in relation to armed policing and less lethal weapons.
- 4.5 Section 39A of the Police Act 1996 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 co-ordinated operations, or
  - it is for any other reason in the national interest to do so.
- 4.6 The College has worked closely with the Home Office and NPCC to write the draft Code (see Annex B) based on amending the existing Code.
- 4.7 The purpose of the draft Code is to:
  - a) set out the responsibilities of the chief officer in relation to armed policing and less lethal weapons; (section 3)
  - b) 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;
  - c) set out the manner in which those principles are implemented within the police service;
  - d) provide a statement on standards of competence, accreditation and operational practice relating to armed policing and less lethal weapons;
  - e) 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;
  - f) promote compatibility of operating procedures for such weapons, to support procedures for weapon and munition evaluation and maintaining standards of occupational & operational competence, and to support operations involving officers drawn from more than one force;
  - g) foster the identification and promulgation of good practice; and
  - h) 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).

- 4.8 The College conducted a public consultation on the draft Code between 19<sup>th</sup> March and 16<sup>th</sup> April 2019. As well as circulating this on social media and through College communication channels the following were specifically made aware of the consultation:
- The National Crime Agency
  - The NPCC lead for Armed Policing
  - The NPCC lead for Less Lethal Weapons
  - The Independent Office for Police Conduct
- 4.9 The College received 12 responses. The respondents included the IOPC, the Defence science and technology laboratory, NPCC leads, National Taser Stakeholder Advisory Group, Children's Rights Alliance for England, forces and individuals. Each response has been considered by the College and Home Office and a decision taken as to whether the draft Code should be amended in light of the response.
- 4.10 An overview of the consultation responses is provided at Annex C and all feedback content can be made available on request.
- 4.11 Professional Committee is asked to review the final draft Code and support the College proposal to ask the Home Secretary to consider laying the draft before parliament as a statutory Code of Practice.

## 5. Annexes

- 5.1 Annex A. Home Office Code of Practice on Police Use of Firearms and Less Lethal Weapons 2003
- 5.2 Annex B. The College draft Code of Practice on Armed Policing and Police Use of Less Lethal Weapons
- 5.3 Annex C. Summary of consultation responses.

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Home Office

BUILDING A SAFE, JUST  
AND TOLERANT SOCIETY

CODE OF PRACTICE ON

# Police use of Firearms

## and Less Lethal Weapons



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# 1. Introduction

## 1.1 Purpose of the code

1.1.1 The purpose of this code is:

- a** To set out the basic principles in relation to the selection, testing, acquisition and use of firearms and less lethal weapons by police;
- b** To set out the manner in which those principles are to be implemented within the police service;
- c** To provide a statement on standards of competence, accreditation and operational practice relating to police use of firearms and less lethal weapons;
- d** To 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;
- e** To promote compatibility of operating procedures for such weapons, in order to support procedures for testing and maintaining standards of competence, and to support operations involving officers drawn from more than one force;
- f** To foster the identification and promulgation of good practice; and
- g** To encourage and support the continuing development and improvement of police responses to potentially violent situations, and police management of conflict.

## 1.2 Statutory basis of the code

1.2.1 This code of practice comes into effect on December 3 2003.

1.2.2 This code of practice is made under:

- a** section 39 of the Police Act 1996, which permits the Secretary of State to issue codes of practice relating to the discharge by police authorities of any of their functions;
- b** section 39A of the same Act (see Section 2 of the Police Reform Act 2002) which permits the Secretary of State to issue codes of practice for the purpose of promoting the efficiency and effectiveness of police forces in England and Wales relating to the discharge of their functions by chief officers;
- c** section 73 of the Police Act 1997, which permits the Secretary of State to issue codes of practice relating to the discharge by the National Crime Squad (NCS) Service Authority of any of their functions; and under
- d** section 73A of the Police Act 1997 (see section 8 and Schedule 1 of the Police Reform Act 2002), which permits the Secretary of State to issue codes of practice relating to the discharge by the Director General of the National Crime Squad of any of the Director General's functions.



- 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, and to the National Crime Squad (NCS).
- 1.2.4 It is available for adoption by other police forces in England and Wales, and by other jurisdictions within the United Kingdom.
- 1.2.5 References in this code to chief officers of police apply, in the case of NCS, to the Director General of that organisation.

### **1.3 Weapons covered by this code**

- 1.3.1 Guidance on the humane destruction of animals by police is set out in the Manual of Guidance on Police Use of Firearms and is not otherwise dealt with in this code.
- 1.3.2 This code does not apply to weapons routinely issued to patrol officers for self defence purposes.
- 1.3.3 This code applies to any firearms and less lethal weapons available for issue within police forces, on the authority of a senior officer, in the circumstances described at section 1.4 below.
- 1.3.4 The range of equipment available for the purposes described at section 1.4 below may include not only conventional firearms but also other types of less lethal weapons and munitions which may not necessarily fall within the statutory definition of a firearm, but for which stringent standards of competence in their command, deployment and use will be required. This code applies to all such weapons available to police forces now or in the future. This entire range of equipment, comprising firearms and less lethal weapons, is referred to in this code as “weapons requiring special authorisation”. Such weapons are those specified as such by the Secretary of State and listed in the ACPO Manual of Guidance on Police Use of Firearms.

### **1.4 Armed support of police operations**

- 1.4.1 The police service in England and Wales remains a predominantly unarmed service. Police officers may however have to deal with persons who may be in possession of a firearm; persons who have immediate access to a firearm; or other situations representing a threat to which an armed response is appropriate. In such cases it may be necessary for officers to be armed, for their own safety or for the protection of members of the public. To meet all those needs, police forces maintain an armed capability, and certain officers or groups of officers may need to be granted a standing authority for the carriage of weapons requiring special authorisation.

- 1.4.2 Both the general public and members of the police service therefore expect
- a** that police use of weapons requiring special authorisation will be kept to the necessary minimum consistent with public safety;
  - b** that in order to reduce the risk of death or serious injury, the equipment available to police forces should include less lethal weapons and munitions; and
  - c** that when police operations result in injuries, relatives or close friends of injured and affected persons should be notified as soon as practicable.
- 1.4.3 Police officers who may be called upon to use weapons requiring special authorisation, those who command such officers, those providing tactical advice in their use, and those who authorise the issue and deployment of such weapons should be selected, trained and have their competence assessed and re-assessed to ensure that they are equipped for those responsibilities.
- 1.4.4 Whenever the use of force is necessary police officers will:
- a** respect human life, and minimise damage and injury;
  - b** exercise restraint in such use and ensure that their responses are proportionate and appropriate in the circumstances and consistent with the legitimate objective to be achieved; and
  - c** ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest practicable moment.

## **1.5 Confidentiality of guidance on training, tactics and the use of equipment**

- 1.5.1 Guidance in respect of the use of weapons requiring special authorisation is set out in the Manual of Guidance on Police Use of Firearms drawn up by the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) and of Scotland (ACPOS). The Secretary of State supports the continuing practice of the Association of Chief Police Officers (ACPO) that Manuals of Guidance should so far as possible be available to the public, to the extent consistent with public safety.

## 2. Scope and Status of this Code

### 2.1 Law relating to the use of force

- 2.1.1 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 ACPO Manuals of Guidance.
- 2.1.2 Use of force by police officers must take place within the bounds of the law, which is to be found in
  - a** International law, and especially the provisions of the European Convention on Human Rights (ECHR) now incorporated in domestic law by the Human Rights Act 1998;
  - b** The common law; and
  - c** Statute law, including section 3 of the Criminal Law Act 1967 and section 117 of the Police and Criminal Evidence Act 1984;
- 2.1.3 Under the Police Reform Act 2002 (s2), Chief Officers have a duty to have regard to this Code of Practice.

### 2.2 Relationship of the code to other guidance

- 2.2.1 Chief officers of police will make arrangements under this code for the authorisation, deployment and use of weapons requiring special authorisation, taking account of detailed operational guidance updated and adopted collectively by chief officers of police. Guidance in respect of weapons requiring special authorisation is set out in the Manual of Guidance on Police Use of Firearms.
- 2.2.2 Chief officers' arrangements within their forces for issue and use of weapons requiring special authorisation should also take account of all guidance issued by ACPO relating to officer safety and public order.

### 2.3 Role of HM Inspectorate of Constabulary

- 2.3.1 HM Inspectorate of Constabulary will continue to monitor police use of weapons requiring special authorisation. This will cover:
  - a** arrangements within forces for threat and risk assessment,
  - b** the selection and training of officers authorised to use such weapons, or to command incidents involving their use, or to provide tactical advice relating to their use; and
  - c** compliance with this code and related ACPO guidance.

## 3. Basic Requirements of this Code

### 3.1 Nominated senior firearms officer in each force

- 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 take the lead within the force in relation to operational policy and practice in respect of weapons requiring special authorisation.

### 3.2 Threat and risk assessment

- 3.2.1 Chief officers of police are responsible for establishing the operational requirement for their police areas in order to determine a policy for the provision of weapons requiring special authorisation, and the equipment, training and accreditation of users. For this purpose chief officers should assess the known and reasonably foreseeable threats and risks in their police areas which may be relevant to the use of weapons requiring special authorisation.
- 3.2.2 Threat assessment is the process of considering available information and applying it to the circumstances of a particular operation or contingency plan. Chief officers should ensure that guidance on threat in the Manual of Guidance on Police Use of Firearms is understood and implemented in their forces.
- 3.2.3 Chief officers of police should ensure that in addition to generic risk assessments which exist for the broad range of police activity, further assessments are carried out in relation to all operations involving weapons requiring special authorisation.
- 3.2.4 Each force's assessments should be regularly updated, having regard to the recommendations of HM Inspectorate of Constabulary.
- 3.2.5 These assessments may include:
- a** the pattern of crime in the police area;
  - b** the geographical and logistical considerations affecting the availability of weapons requiring special authorisation, and the deployment of personnel trained to use such weapons or to command incidents involving their use;
  - c** the threat posed by armed persons such as criminals, terrorists and armed groups, which members of the force might need to confront;
  - d** the force's potential obligations under mutual aid arrangements; and
  - e** the force's responsibilities in respect of national emergencies and nationally based plans.

3.2.6 Chief officers of police should use these assessments as a basis for deciding:

- a** 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;
- b** the numbers of officers required to be trained in their forces 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;
- c** arrangements for the deployment within their forces of weapons and personnel trained to use them.

### **3.3 Authorisation procedures for weapons requiring special authorisation**

3.3.1 Chief officers of police are responsible for weapons requiring special authorisation to be made available within their forces, and for the procedures for authorising their issue. The rank at which such decisions may be taken may vary, in accordance with those procedures, depending on:

- a** the class of weapon involved and the surrounding circumstances,
- b** the urgency of the situation,
- c** the time available, and
- d** the feasibility of timely access to more senior officers.

3.3.2 These procedures should also provide for officers in possession of weapons requiring special authorisation to make immediate use of them without further authority, where to do so is necessary to protect life or prevent serious injury.

3.3.3 Arrangements for authorising issue of weapons requiring special authorisation are set out in ACPO Manuals of Guidance, and chief officers should ensure that their force's arrangements comply with that guidance.

### **3.4 Planning of operations**

3.4.1 In considering the weapons and tactics to be used, the planning of operations involving weapons requiring special authorisation should take account of the characteristics of those weapon systems and the possible effect on communities and individuals of their use. In certain circumstance the use of particular weapons may present specific hazards which may need to be taken into account in decisions regarding their use.

- 3.4.2 Where possible, an early community impact assessment should be undertaken and kept under review. Opportunities for reassurance of communities affected should be considered for inclusion in the operational plan.
- 3.4.3 Operations involving weapons requiring special authorisation may require the most thorough and careful planning permitted by the circumstances. Such planning should take account of all information reasonably available to officers involved, so that operations may be undertaken in a safe and appropriate manner. This applies both to contingency planning for dealing with foreseeable threats, and immediate action which may be necessary at short notice. The level and nature of the information available, the threat, and the available time will inevitably affect planning in a particular case.
- 3.4.4 Police officers responsible for planning and undertaking operations where the use of force is a possibility should plan and undertake them so as to minimise, to the greatest extent possible, recourse to force and, in particular, lethal force.

## **3.5 Health and Safety**

- 3.5.1 Legislation provides for the duties of employers regarding health and safety to extend to persons other than employees. Planning of operations involving weapons requiring special authorisation must therefore take account of possible risks to all personnel engaged as part of the operation, and any others who might be affected by it.
- 3.5.2 Chief officers of police are responsible to their police authorities for ensuring that training for and planning of operations involving weapons requiring special authorisation take account of any guidance on Health & Safety for Police Authorities and Chief Officers.
- 3.5.3 They should also ensure that the management and command of operations involving such weapons take continuing account of health and safety considerations.

## **4. Weapons, Related Equipment and Tactics: Development and Approval**

### **4.1 Availability of approved weapons**

- 4.1.1 Chief officers of police, in consultation with their police authorities, will be responsible for the acquisition of weapons requiring special authorisation for use in their force areas, on the basis of the threat and risk assessment processes referred to at section 3.2 above.
- 4.1.2 Chief officers of police should ensure that their officers authorised to use weapons requiring special authorisation are equipped and trained in accordance with this code.
- 4.1.3 The training for and operational use of such weapons should follow any specific ACPO guidance relating to the use of each weapon.

### **4.2 Issue of weapons to competent officers**

- 4.2.1 Weapons requiring special authorisation should be issued only to officers assessed as competent to use them in accordance with the training and assessment procedures at section 5.1 below.

### **4.3 Development and approval of new weapons and operating procedures**

- 4.3.1 It is important that the continuing development of weapon systems, including their related operating procedures, should be centrally co-ordinated. That 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. For those purposes, chief officers of police should monitor emerging operational requirements in their forces, and the availability of new weapon systems, which might improve the safety of operations involving weapons requiring special authorisation.
- 4.3.2 The police service should maintain the capability centrally to assess, evaluate and where appropriate adopt effective less lethal weapon systems where they might reduce reliance on conventional firearms or ammunition without compromising the safety of police officers or others who might be affected. For this purpose, Chief Officers co-operating with each other (normally through ACPO) should monitor the availability of new weapon systems.
- 4.3.3 Where ACPO regard new weapon systems as suitable for further evaluation and testing they should consult the Secretary of State:

- a** to obtain the Secretary of State's views on the suitability and independence of bodies to be invited to carry out technical and medical evaluations of new weapon systems, and the procedures to be adopted for those evaluations;
- b** to ensure that these procedures will be carried out as expeditiously as possible in order to meet police operational needs; and
- c** to enable the Secretary of State to consider using powers relating to the regulation of equipment and of procedures and practices under the provisions of sections 53 and 53A of the Police Act 1996 (as amended by the Police Reform Act 2002), and sections 80 and 80A of the Police Act 1997 (as amended by the Police Reform Act 2002).

4.3.4 The processes for evaluating, assessing and adopting new weapon systems and tactics, and arranging for any related training to accredited standards, must be completed before such weapons and tactics are to be regarded as available generally for use by police forces.

4.3.5 Evaluation and assessment processes for such weapons will include where appropriate a needs analysis, determination of operational requirement, technical evaluation, medical assessment and operational performance trials, and will take into account relevant strategic, ethical, operational and societal issues.

## **4.4 Availability of weapons under development or on trial**

4.4.1 Chief officers of police may also have available for special authorisation weapons undergoing trial or evaluation as part of the national approval process provided for at section 4.3 above. In such cases, Chief Officers of designated trial forces may authorise deployment of such weapons in accordance with any related guidance, for use as weapons requiring special authorisation.



# 5. Training: Standards and Accreditation

## 5.1 Selection, training and maintaining competence

5.1.1 Chief officers of police should arrange the selection and training of officers

- a** to use weapons requiring special authorisation,
- b** to provide tactical advice for operations involving such weapons, and
- c** to command incidents involving such weapons

so as to ensure attainment of standards of competence set out in National Occupational Standards and agreed by the Police Skills and Standards Organisation (PSSO).

5.1.2 These standards of competence and related training requirements apply to those who use weapons requiring special authorisation, those who provide tactical advice in their use, and those who might be called upon to command operations involving the use of such weapons.

5.1.3 Chief officers should maintain in their forces a sufficient number of officers selected and trained to National Occupational Standards to carry out such operations.

5.1.4 Chief officers of police should similarly maintain in their forces sufficient officers selected and trained to National Occupational Standards to provide tactical advice for, or to command, operations involving the deployment of weapons requiring special authorisation.

## 5.2 Standardisation of training to specified levels of competence

5.2.1 Training for these purposes in accordance with National Occupational Standards is not only to ensure the maintenance of high standards of competence, but also to facilitate operations involving more than one force. For this purpose National Occupational Standards will define standards of competence for weapons requiring special authorisation in standard disciplines and skills, to common standards, incorporating nationally recognised terminology.

## 5.3 Independent accreditation of training

5.3.1 The body responsible for the approval and accreditation of training courses and trainers for these purposes will be the Police Licensing and Accreditation Board or any successor body designated by the Secretary of State.

5.3.2 Training standards will be kept under review by the accreditation authority, in particular to take account of the continuing identification and development of good practice resulting from the systematic reporting and assessment of experience – see 6.8 below.

## 6. Post-Incident Procedures and Promulgation of Good Practice

- 6.1.1 In considering the need for post-incident investigations involving the relevant statutory bodies referred to below, chief officers should bear in mind the advantages of showing the willingness of the police service to accept independent scrutiny, and should approach the scrutiny responsibilities of the statutory bodies on a basis of partnership with them.

### 6.2 Role of the Police Complaints Authority (PCA)

- 6.2.1 This section of this code ceases to have effect from 1 April 2004, when the PCA will cease to exist.
- 6.2.2 In the case of death or serious injury, referral to the Police Complaints Authority is expected (and mandatory if a complaint is made). Chief officers should consult the PCA about the desirability of arranging an investigation in any case where the weapon used was under trial or evaluation as provided for at section 4.4 above, or in any other case where the gravity of the incident or its special circumstances, including the reaction of the local community, requires consideration of a supervised investigation.
- 6.2.3 Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the European Convention on Human Rights (ECHR). The purpose of the investigation is to establish a true and factual account of the incident.

### 6.3 Role of the Independent Police Complaints Commission (IPCC)

- 6.3.1 This section applies from 1 April 2004, after the PCA has ceased to exist.
- 6.3.2 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 IPCC is mandatory. But chief officers should consult the IPCC where required to do so by any guidance issued by the IPCC, or in any case where the weapon used was under trial or evaluation as provided for at section 4.4 above, or in any other case where the gravity of the incident or its special circumstances, including the reaction of the local community, requires consideration of a formal investigation.
- 6.3.3 When considering an investigation connected with police use of weapons requiring special authorisation chief officers should consult the IPCC, to enable the IPCC to determine, in accordance with Part 3 of Schedule 3 to the Police Reform Act 2002, whether such investigation should be
- a** an investigation by the chief officer;
  - b** an investigation by the chief officer under the supervision of the Commission;

- c** an investigation by the chief officer under the management of the Commission; or
- d** an investigation by the Commission.

6.3.4 Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the European Convention on Human Rights (ECHR). The purpose of the investigation is to establish a true and factual account of the incident.

## **6.4 Procedures within police forces to support investigations**

6.4.1 Police authorities and chief officers of police should ensure that operating protocols exist within their forces defining the action to be taken throughout the various stages of an investigation or review of an operation involving weapons requiring special authorisation. These should include:

- a** The management of the scene of the incident and continuity of command until the appointment of a Senior Investigation Officer, with an appropriately resourced investigation team;
- b** The identification of suitable venues for the post incident procedures to be conducted;
- c** The selection and training of officers to undertake the role of Post Incident Manager, which should include longer term arrangements for liaison, welfare and management of the officers concerned;
- d** Procedures for the hand-over to an appointed independent investigation team, where necessary;
- e** A structured and documented process for the operational re-mobilisation of officers, where appropriate, when an investigation has been completed.

## **6.5 Welfare needs of police staff following operations**

6.5.1 Chief officers of police should ensure, following incidents involving weapons requiring special authorisation, that the welfare needs of officers and other staff involved in the operation are provided for.

6.5.2 These arrangements should include, where appropriate, provision of psychological and medical support for any officers and staff involved, together with access to staff association advice. Where appropriate, the police authority should consider legal representation for such officers and staff.

## **6.6 Community and welfare issues in relation to armed operations**

- 6.6.1 Chief officers should ensure that the welfare needs of others involved in such an incident are similarly considered.
- 6.6.2 Chief officers should ensure that the need for community impact assessment is considered where weapons requiring special authorisation are deployed. This need 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, or affected families, relatives or close friends of any persons involved, taking account of their circumstances and vulnerability. There should be early consideration of the involvement of family liaison officers, and of the need to keep relevant individuals and organisations informed.
- 6.6.3 The police authority and the chief officer should consider the involvement of community representatives as part of post-incident procedures or any subsequent investigation or review.

## **6.7 Promulgation of good practice**

- 6.7.1 Part of the purpose of this code is to encourage continuous development and assessment of police practices relating to weapons requiring special authorisation, and to ensure that such developments are made available throughout the police service, including to those responsible at national level for evaluation and approval of weapons, tactics and training procedures.
- 6.7.2 For that purpose, even where a formal investigation under section 6.2 or 6.3 above is not required, chief officers of police should arrange a review or debrief following any operation where weapons requiring special authorisation have been used, where there is any reason to believe that such a review might identify improvements in procedures within the same force or in other forces.
- 6.7.3 In considering the need for such a review or debrief, the term 'use' of a weapon should be interpreted broadly, to include not only those cases where a weapon was discharged, but also those where the availability of weapons had a significant impact, whether adverse or beneficial, on the handling of the incident or on the reaction of the local community or others affected by it.

## **6.8 Reporting requirements**

- 6.8.1 Under procedures applying until 31 March 2004 under the PCA, arrangements have been agreed with ACPO and the National Centre for Policing Excellence (NCPE) that they will receive the results of reviews described at Section 6.7. The chief officer should report the outcome of formal investigations to NCPE and ACPO.

- 6.8.2 Under the procedures applicable from 1 April 2004 under the IPCC, arrangements have been made that the chief officer should report to NCPE and ACPO the result of relevant police investigations or reviews, including police investigations supervised by the IPCC. In cases where the IPCC have undertaken the investigation themselves or have managed the police investigation themselves, the responsibility for passing information to NCPE and ACPO, and the chief officer involved, will rest with the IPCC.
- 6.8.3 ACPO and NCPE have agreed to ensure that any necessary action is taken as soon as practicable on such reports passed to them.
- 6.8.4 ACPO and NCPE have also agreed to ensure that, when appropriate, relevant information from such reports is made available:
- a** to those bodies involved in the accreditation of police training standards in the use of the relevant class of weapons or in the command of incidents involving their use;
  - b** to those bodies involved in the evaluation of new weapons and tactics; and
  - c** to those maintaining central records of the use, and the results of use, of weapons requiring special authorisation.
- 6.8.5 The detail required in such review and reporting procedures should reflect the seriousness of the incident.
- 6.8.6 Forces must maintain records of grants or refusals to grant authority to issue weapons requiring special authorisation, in accordance with guidance issued by HM Inspectorate of Constabulary. Their purpose is to record the operational use of such weapons, in such a way as to show the relative proportions of operations where such weapons are authorised but not used.
- 6.8.7 Chief officers should ensure that their forces maintain records of the selection, training, command, planning and deployment of police officers equipped with weapons requiring special authorisation.

## **6.9 Immediate reporting of safety-critical information**

- 6.9.1 Given the contribution to the safety of police officers or the public which may result from lessons learned operationally, chief officers should establish and maintain procedures for the immediate confidential reporting to ACPO of important operational experience from such incidents.
- 6.9.2 This should include procedures to report failures or defects of munitions and weapons. Chief officers collectively will be responsible for arranging for the technical investigation of such matters.

## **6.10 Reporting details of recovered weapons**

- 6.10.1 Chief officers of police should ensure that their forces comply with national requirements for reporting to central authorities the details of firearms recovered from criminals or others so that national databases relating to use of such weapons by criminals may be updated.

## **7. Communication and Information Strategy**

- 7.1.1 Chief officers of police should ensure, in consultation with their police authorities, that their arrangements for the management of incidents involving weapons requiring special authorisation take account of the need to provide timely and accurate information to the media, local communities and, internally, to appropriate staff.
- 7.1.2 Incidents and operations involving weapons requiring special authorisation should be managed in a manner that recognises the benefits of involving others before, during and after such incidents. This may include the use of community representatives to take account of the potential impact as well as their involvement during the incident or in any subsequent investigation or review.
- 7.1.3 In doing so, chief officers will need to ensure that information provided is consistent with effective operational management, that risk of prejudice to possible future judicial or misconduct proceedings is avoided, and that sensitive operational information is not disclosed (see section 1.5 above).

### **7.2 Openness and accountability**

- 7.2.1 Police authorities and chief officers should ensure that matters relating to police use of weapons requiring special authorisation are handled with openness to the media and the public. The degree of possible openness must be consistent with the need to retain the confidentiality of aspects of training, tactics and weapons, publication of which could compromise operational effectiveness. It must also take account of the views of the supervising authority for any related investigation, and the views of the Crown Prosecution Service where relevant.









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

**June 2019**

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# 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 **XX 2019** 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 identify learning which can be reflected in the development of policy, training and tactics to improve safety for all.
- 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 must 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 must 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 must 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 threats and risks. These assessments must 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 must 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 Defence Science and Technology Laboratory (Dstl)<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 and Dstl. Dstl 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 included where appropriate:
- a needs analysis
  - determination of operational requirement
  - independent (of the manufacturer) technical and medical assessment (to include , capability, limitations, effect and potential lethality)
  - and 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:

- 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 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 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 must 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 practice.

## **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 training and 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 NPCC portfolio lead and 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.

## 7.3 Role of Independent Investigatory Authority

7.3.1 In the case of death or serious injury, and in other cases defined by regulations made by the Secretary of State, referral to the IIA is mandatory. 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 where the gravity of the incident or its special circumstances, including community or public reaction, 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 should 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 and less lethal weapons (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 must 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, ammunition and specialist 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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# **Annex C**

## **Code of Practice on Armed Policing and Police use of Less Lethal Weapons – summary of consultation responses**

### **Consultation**

The primary drafting of the revised code was undertaken by a representative from the CoP and the Home Office. During this protracted process there was consultation with representatives of many of the bodies and organisations listed below in regard to specific content.

The CoP carried out public consultation (via the public facing APP consultation site) on the guidance between 19<sup>th</sup> March and 16<sup>th</sup> April 2019. The following were specifically made aware of the consultation:

- NPCC leads for those areas of practice to which the Code relates (armed policing, less lethal weapons, self-defence and restraint (SDAR))
- HMICFRS
- Defence Science & Technology Laboratory (DSTL) (previously Centre for Applied Science & Technology)
- National Crime Agency (NCA)
- National Taser Stakeholder Advisory Group (NTSAG)
- Anthony Grainger public inquiry team (via Home Office)
- Regional representatives on national armed policing and less lethal weapons portfolio working groups
- Independent Office for Police Conduct (IOPC)

The consultees were asked nine specific questions (plus one general comments question) about the draft guidance. These were:

1. Do you find the Code easy to follow and understand? Please give reasons for your answer.
2. Does the Code clearly describe the associated organisational and individual responsibilities defined within it?
3. Are the definitions of specialist munitions and less lethal weapons easy to understand?
4. Will these definitions support clear force authorisation procedures in terms of operational deployment/use?
5. Is the process by which less lethal weapons (and certain munitions) are approved by the Home Office clear?
6. Is the distinction between the authorisation process (by Chief Officers) and the approval process (by the Home Office) for the weapons and munitions covered by this code clear?
7. Is there any information missing? If so please give a brief description below, together with the reason for your answer.

8. Is there any unnecessary repetition?

9. Is there any content that you consider may have a negative impact on any community or group of people? Please be as specific as possible and reference the page(s) or chapters(s) or paragraph(s).

12 pieces of feedback were received from:

- IOPC x 2
- NPCC lead for Less Lethal Weapons
- NPCC lead for Armed Policing
- NPCC SDAR CC
- DSTL
- NTSAG
- Children's Rights Alliance for England, (part of Just for Kids Law)
- Sussex police x 2
- PSNI protective services branch
- PhD student Southampton University

### **Feedback - Overview**

The feedback received was generally very positive. Much of the feedback provided was around wording and terminology and subsequently reflected in an amended draft. There were some suggestions made that required further consideration and discussion between the CoP/ Home Office and relevant NPCC portfolio lead. Home Office legal advice was sought in respect of feedback related to legislative content and references included in the code.

### **Main issues requiring further consideration**

The main issues raised by the consultation which needed further consideration are:

1. The absence of specific and detailed reinforcement of the potential implications associated with the use of Taser on children.

The level of detail suggested was considered to be inappropriate for a 'high level' code of practice. The reinforcement of the implications in respect of the use of Taser on potentially vulnerable members of the public are adequately described in both APP and training material. An addition was made to the code in respect of acknowledging the need for use of force monitoring to include analysis of operational use of force data to build an evidence base to identify learning which can be reflected in the development of policy, training and tactics to improve safety for all

2. The primary concern of the NTSAG was... 'that the Code of Practice, as it stands, does not sustain the human rights principle of legality. This principle dictates that force may only be used according to law'.

The associated feedback was submitted to the Home Office for legal advice. The legal advice concluded that the consultation response is misconceived because the Code is not intended to be viewed in isolation. In any event the Code meets the requirements of the UN Basic Principles on the Use of Force & Firearms. The legal advice was that the point being made was not relevant because the UN Basic Principles do not prohibit the use of LLW, but do regulate their use. The legal advice

was that the Code of Practice is sufficient to address the requirements in the Basic Principles and a number of paragraphs were cited to support this position.

### **Next steps**

The Home Secretary has been kept updated on progress of the code and the importance of its publication is enhanced by the impending Anthony Grainger public inquiry report which is highly likely to comment upon, and make recommendations related to the governance arrangements associated with the evaluation and approval of specialist munitions.

Should the Professional Committee support the current draft Code document, the next steps are:

1. Submission, via the Home Office clearance process, to the Home Secretary for approval.
2. To 'lay' the Code in Parliament accompanied by a Written Ministerial Statement.