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POWERS & POLICY CONSIDERATIONS

Power of Arrest: S.24 PACE 1984

Powers Use of Force: S.3 Criminal Law Act 1967, S117 PACE, Common Law, ECHR 1998.

Complies with ACPO Manual of Guidance of management, command, deployment of armed officers & MPS SOP in police use of firearms.

Article 2 ECHR states that everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary: (a) in defence of any person from unlawful violence; (b) in order to effect a lawful arrest or to prevent escape of a person lawfully detained; (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Common Law provides that if a person believes that they or another are in immediate danger they may use reasonable force to avert that danger.

Section 3 Criminal Law Act 1967 sets out when reasonable force can be used when making an arrest. Health and Safety legislation secures the health, safety and welfare of persons at work and others in connection with that work.

Directed surveillance authorities are in place against the subjects.

The subjects Article 8 Rights (to a family/private life) have been considered. Due to the serious nature of the offences being committed this is a proportionate response in relation to what it seeks to achieve i.e. obtain evidence against the subjects shown and any criminal associates and protect the public at large in the long-term by disrupting this OCG's criminal activities.

The ACPO Authorised Professional Practice, Armed Policing Module sets out the framework for police use of firearms.

The Standards of Professional Behaviour set out the manner in which officers should conduct their duties. This operation meets the values of the police Code of Ethics.

Section 117 PACE gives power to use reasonable force if necessary, in the exercise of the powers under that act.

The Firearms Act 1968 gives provisions as to possession, handling and distribution of weapons and ammunition as well as prevention measures including powers to search. A search warrant has been applied for under s46. S47 powers of entry can also be considered and used in the appropriate circumstances.

The MPS has a duty of care both to its own employees and the public at large.