

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.

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.

- 3.4.2 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.