

Police Service of Northern Ireland

HQ Ref: 07\1401

PD 03/08

POLICY DIRECTIVE

ACCESS TO FIREARMS AND AMMUNITION – SUITABILITY OF POLICE OFFICERS AND POLICE STAFF

1. POLICY IDENTIFICATION

POLICY TITLE: Access to Firearms and Ammunition – Suitability of Police Officers and Police Staff

POLICY OWNERSHIP:

DEPARTMENT	Operational Support
BRANCH	Operational Policy and Support

POLICY APPROVED BY:

CCF REF/OTHER	ACC Operational Support
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2. POLICY STATEMENTS

- (1) Whether or not a police officer or a member of police staff is the holder of a Firearms Certificate, it is the policy of the Police Service of Northern Ireland (PSNI) to apply the requirements of Article 5 of The Firearms (Northern Ireland) Order 2004 where it is necessary to consider the suitability of police officers and police staff to have access to firearms and ammunition.
- (2) Where an officer/member of staff has access to firearms and ammunition, the Police Service is required to take positive action to ensure that such access does not constitute a danger to public safety or to the peace, and that the officer/member of staff is a fit person to be entrusted with a firearm.
- (3) These requirements are in accordance with Section 32 of the Police (Northern Ireland) Act 2000 and the Human Rights Act 1998.

3. INTRODUCTION

(1) Summary

- (a) This Policy and associated Firearms Access Procedure (FAP) explains how the Police Service will manage situations where the suitability of an officer/member of staff to have access to firearms and ammunition is called into question.
- (b) There will be grounds to prevent access to firearms and ammunition where such access is likely to endanger public safety or the peace, or where there is reason to believe that an officer or member of staff is not a fit person to be entrusted with a firearm.
- (c) The following circumstances (hereafter referred to as FAP Scrutiny Criteria) will constitute grounds to examine the suitability of an officer/member of staff to have access to firearms and ammunition:
 - (i) Where the officer/member of staff is the alleged perpetrator of unlawful violence or threats of unlawful violence. This will not normally include circumstances where a police officer is the subject of a complaint against police arising from the exercise of their duties of the office of constable.
 - (ii) Where an officer/member of staff is the subject of a Non Molestation or Occupation Order (or Ex Parte Non Molestation or Occupation Order) granted under the Family Homes and Domestic Violence (Northern Ireland) Order 1998.
 - (iii) Where police have attended a reported domestic incident as defined at Section 2 of Policy Directive PD No 02/04 Police Response to Domestic Incidents, and either the victim or alleged perpetrator is a police officer/police staff.
 - (iv) Where an officer or member of staff is convicted or under investigation for any alleged offence under The Firearms (Northern Ireland) Order 2004.
 - (v) Where an officer or member of staff is observed in physical possession of a firearm whilst under the influence of drink or drugs, or a combination of these.
 - (vi) Where an officer or member of staff is observed or reported to have misused a firearm contrary to training and relevant safety instructions (except in a training environment).
 - (vii) Where medical opinion suggests that the medical condition of an officer/member of staff, whether mental or physical, raises concerns about access to firearms.
 - (viii) Where an officer or member of staff voluntarily surrenders their firearm on the grounds of health, whether mental or physical.

NOT PROTECTIVELY MARKED

- (ix) Where an officer or member of staff is observed or reported as displaying irrational behaviour or demeanour. (See Appendix 'C' for information that may be helpful in assessing suicide risk).
- (x) Where any other circumstances cause concern as to the suitability of an officer/member of staff to have access to firearms (eg circumstances surrounding suspension from duty, or where an officer or member of staff is under investigation for any other alleged offence which would raise concern over suitability to have access to firearms).
- (d) This Policy Directive applies to all police officers and police staff, regardless of rank or position, and provides a structure to remove access to firearms where appropriate. If possible, reasonable steps should be taken to ensure that any reports of a person engaging the above criteria are not malicious.
- (e) For the purposes of this Policy Directive, use of the terms 'firearm' and 'ammunition' shall be construed in accordance with Article 2(2) of The Firearms (Northern Ireland) Order 2004. Henceforth, use of the term 'firearm' shall also include ammunition.
- (f) This Policy contributes to the Northern Ireland Policing Board objective to increase public confidence in the Police Service.

(2) Legal Basis

- (a) Article 5 of The Firearms (Northern Ireland) Order 2004 requires that a Firearms Certificate can only be granted if the Chief Constable is satisfied that the applicant can be permitted to have a firearm without danger to public safety or to the peace and the applicant is a fit person to be entrusted with a firearm.
- (b) Article 9 of the Order requires the revocation of a Firearms Certificate if these conditions are not satisfied.
- (c) Section 32 of The Police (Northern Ireland) Act 2000 requires the police to protect life and property, preserve order, and prevent the commission of offences.
- (d) The PSNI, as a public authority, is prevented by Section 6 of the Human Rights Act 1998 from acting in a manner, which is incompatible with a person's human rights. This includes an obligation on the Chief Constable, all police officers and police staff to take all feasible steps within their power to avert a real and immediate threat, of which they are, or should be aware of, to a person's life from the criminal acts of another. This obligation flows from Article 2 of the European Convention on Human Rights, incorporated into United Kingdom law by the Human Rights Act 1998. Other obligations may also apply.
- (e) Article 78 of The Firearms (NI) Order 2004 explains the application of certain provisions of the Order relating to the possession of firearms by police and members of police support staff whilst acting in their capacity as such.
- (f) Article 57 of the Order, in addition to other powers conferred on police officers under the Order, provides for the seizure and detention of firearms.
- (g) Article 4(1) of the Health and Safety at Work (Northern Ireland) Order 1978 places a duty on the office of the Chief Constable to ensure, so far as is reasonably practicable, the health, safety and welfare of all his employees.
- (h) Article 5(1) of the Health and Safety at Work (Northern Ireland) Order 1978 places a duty on the office of the Chief Constable to conduct the undertaking of the PSNI in such a way to ensure, so far as is reasonably practicable, that persons **not** in his employment who may be affected thereby, are not exposed to risk to their health or safety.
- (i) Code of Ethics for the PSNI.

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4. IMPLICATIONS OF THE POLICY

(1) Financial Implications/Best Value/Continuous Improvement/Efficiency

The financial implications associated with the full implementation of this Policy are minimal.

(2) Human Resources and Training

- (a) There are no anticipated training needs associated with the full implementation of this Policy.
- (b) The full implementation of the FAP will require the participation of various departments within the Police Service. The identity of the participants will depend on the individual circumstances of the case.

(3) Partnerships

The full implementation of this Policy does not require the involvement of a partner agency.

(4) Risks

The denial to a person of access to a firearm may raise issues of compliance by the PSNI with Section 6 of the Human Rights Act 1998. The provisions of paragraph 5(1)(g) of Section 7 of this Policy Directive should be adhered to.

(5) Bureaucracy

This Policy and associated procedure has been designed to minimise unnecessary bureaucracy.

(6) Estates

The long-term storage of firearms and ammunition seized as a result of this Policy may have financial implications for Estate Services.

(7) Consultation

- (a) The following police officers, police staff and departments were consulted:

- (i) Heads of departments;
- (ii) Heads of regions;
- (iii) Legal Adviser;
- (iv) Human Rights Legal Adviser;
- (v) Police Federation for Northern Ireland;
- (vi) Superintendents' Association;
- (vii) District Commanders;
- (viii) Head of Occupational Health and Welfare;
- (ix) Departmental and Regional Personnel Managers;
- (x) Head of Firearms and Explosives Branch;
- (xi) Director of Media and Public Relations;
- (xii) Equality and Diversity Unit.

- (b) The following non-statutory organisation was consulted:

Northern Ireland Public Service Alliance (NIPSA).

5. HUMAN RIGHTS/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Policy is deemed to be Human Rights compliant.
- (2) This Policy has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.

- (3) This Policy is suitable for public disclosure in accordance with the Freedom of Information Act 2000. The associated Firearms Access Procedure is suitable for internal dissemination only.

6. REVIEW

- (1) The Policy owner will be responsible for implementing the review.
- (2) This Policy will be reviewed annually.