

Police Service of Northern Ireland

Policy for Public Disclosure.

HQ Ref: FEB/W/3203

PD 09/06

POLICY DIRECTIVE

PERSONAL PROTECTION WEAPON POLICY

1. POLICY IDENTIFICATION

POLICY TITLE: Personal Protection Weapon Policy

POLICY OWNERSHIP:

DEPARTMENT BRANCH	Operational Support Firearms and Explosives
------------------------------	--

POLICY APPROVED BY:

CCF REF/OTHER DATE OF APPROVAL	ACC Operational Support 18 November 2005
---	---

IMPLEMENTATION DATE: 1 December 2005

DATE OF ISSUE: 20 June 2006

DATE VERSION 2 ISSUED: 4 December 2008

REVIEW DATE: 5 December 2009

INDEX

SECTIONS 1- 6

Section	Subject	Page
1	Policy Identification Page	1
2(1)	Policy Statement	3
2(2)	Definitions	3-4
3	Introduction	4
3(1)	Summary	4-5
3(2)	Drivers for Change	5
3(3)	Policy Aims and Objectives	5
3(4)	Contribution to Policing Objectives	5
3(5)	Application of the Policy	5-7
3(6)	Legal Basis	7
4	Implications of the Policy	7
4(1)	Risk	7
4(2)	Consultation	7
5	Human Rights/Equality/Integrity/Freedom of Information	7-8
6	Review	8

2. (1) **POLICY STATEMENTS**

- (a) This Policy describes the criteria under which the Police Service of Northern Ireland (PSNI), Firearms and Explosives Branch (FEB) will, on behalf of the Chief Constable, consider applications to possess a firearm for personal protection purposes in accordance with the Firearms (NI) Order 2004.
- (b) The Chief Constable acknowledges the positive obligation to take all reasonable measures to obviate the risk to an individual's life where the police know, or ought to know, that there is a real and immediate risk.
- (c) Prior to the implementation of this Policy Directive a general threat category existed due to the level of terrorist threat directed at persons employed in certain occupations within Northern Ireland. Any individual who was employed, or had recently been employed in one of the included occupations was deemed to be at real and immediate risk and thus 'good reason' (a statutory requirement of the legislation) to possess a Personal Protection Weapon (PPW) was established. In light of the more stable political and security environment the Chief Constable is committed to reviewing the grant of firearm certificates (FAC) for PPWs and moving towards the situation where these will only be authorised where there is a 'verifiable specific risk' to the life of an individual and that the possession of a firearm is a reasonable, proportionate and necessary measure to protect their life.
- (d) The Policy forms the framework for decision-making by police staff who are Authorising Officers in Firearms and Explosives Branch, responsible for the processing and authorisation of applications for the grant of Firearm Certificates.
- (e) The Policy is also intended to inform members of the public and members of organisations outside the Police Service who may desire to acquire a firearm for personal protection.
- (f) Each application for a PPW will be considered on its individual merits.
- (g) In applying the Policy, Human Rights, Equality and Freedom of Information legislation must also be considered.
- (h) The procedures for dealing with applications to possess a PPW must take account of the unique and individual circumstances surrounding each application and that protecting the life of the applicant is a concern that must be balanced against that of the safety of the public and the peace and the general undesirability to have handguns for personal protection. It is therefore important that processing of the application is not unduly delayed.
- (i) Under Article 5 of the Firearms (NI) Order 2004 the Chief Constable **may** grant a firearm certificate if satisfied that an applicant can be permitted to have a firearm or ammunition in his possession without danger to public safety or to the peace. The Chief Constable **shall not** grant a firearm certificate unless he is satisfied:
 - (i) The applicant is fit to be entrusted with a firearm [Article 5.2(a)];
 - (ii) The applicant has a good reason to possess a PPW and ammunition [Article 5.2(b)].
- (j) This Policy sets out guidance as to how these statutory criteria should be applied.

(2) **DEFINITIONS**

(a) **Fitness to be Entrusted with a Firearm**

- (i) The current Northern Ireland Office Guidance on Northern Ireland Firearms Controls will form the basis to determine a person's fitness to possess a PPW. The guidelines are available at <http://www.nio.gov.uk/index/nio-publication.htm>. Notwithstanding the guidance each application for a PPW will be considered on its individual merits.

- (ii) Possession of a firearm for personal protection purposes places a great responsibility on the holder. Any person who has been granted an FAC to possess a PPW will be expected to conduct their daily affairs in such a way that their own personal security and the security of the firearm is not jeopardised.

(b) Good Reason

- (i) In the context of an application for a firearm for personal protection purposes the applicant is required by the Firearms (NI) Order 2004 to have 'good reason' for such possession. Whilst in most applications a verifiable real and immediate risk may be established by specialised police reports it may not be as obvious in others. In cases where a real and immediate risk is not verifiable by a specialised police report or is otherwise obvious, consideration must be given to all the known circumstances, bearing in mind the general duty of police to protect life by taking appropriate measures to address the risk. [Section 32(1) of the Police (NI) Act 2000 and article 1 of the PSNI Code of Ethics 2008.]
- (ii) For the purposes of this Policy an applicant for a PPW will be deemed to have 'good reason' if it is established that:
 - (aa) there is a specific threat against the individual which creates a real and immediate risk verified by a specialised police report; **or**
 - (bb) in exceptional circumstances, a verifiable level of risk is established by other information; **and**
 - (cc) the possession of a firearm is a reasonable, proportionate and necessary measure to protect the life of the applicant.

(c) Specific Threat

- (i) A specific threat is defined as:
 - (aa) A recent verifiable life threatening attack has been made on the applicant's life and this level of threat remains; **or**
 - (bb) A verifiable personal threat to the life of the applicant has been made, which can be substantiated by a specialised police report or, in exceptional circumstances, in the absence of a specialised police report, other verifiable information or circumstances.
- (ii) In establishing that a real and immediate risk exists FEB must consider all circumstances and all the information available to them. In exceptional circumstances the grant of an FAC for a PPW may be appropriate even though a real and immediate risk cannot be confirmed by specialised police reports but it can be verified by other means.

3. INTRODUCTION

(1) Summary

- (a) This Policy explains the criteria under which Firearms and Explosives Branch will, on behalf of the Chief Constable, consider applications to possess a firearm for personal protection purposes, in accordance with the Firearms (NI) Order 2004 and the NIO Guidance on Firearms Controls in Northern Ireland.

- (b) The Policy is aimed at staff in Firearms and Explosives Branch (Authorising Officers) who are responsible for the processing and authorisation of applications for the grant of Firearm Certificates. The Policy is also intended to inform retiring police officers, members of the public and members of organisations outside the Police Service who may desire to acquire a firearm for personal protection.

(2) Drivers for Change

- (a) It is the intention of Her Majesty's Government in Northern Ireland to see as early a return as possible to normal security arrangements and a situation where the need for firearms for personal protection purposes is substantially reduced, or no longer necessary. The report of the Public Enquiry into the shooting at Dunblane Primary School on 13 March 1996 by The Honourable Lord Cullen (1996) placed greater emphasis on firearm controls and the need, at regular intervals, to re-examine the suitability of the person and their good reason to possess a firearm and not to simply renew the existing certificate. <http://archive.official.documents.co.uk/document/dunblane/dunforwd.htm>
- (b) The House of Commons Northern Ireland Affairs Committee in their deliberations on the control of firearms in Northern Ireland have stated that there is a persuasive argument for seeking a general prohibition on handguns when circumstance change but they recognised the continued need for personal protection weapons in the shorter term. <http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmselect/cmniaf/67/6702.htm>.
Fourth Report (handguns).
- (c) In February 2005 the Government introduced new firearms legislation in the form of the Firearms (NI) Order 2004 which took account of the main recommendations of the Cullen Report. As a result of the above it is considered appropriate to review policy in respect of personal protection weapons.
- (d) In light of the above, the extant PSNI policy in respect of granting authorisation for PPWs under a general threat criteria based on defined occupations can no longer be sustained.
- (e) The continued normalisation in Northern Ireland since the introduction of this legislation supports the view that certain occupational groups are no longer considered at risk not withstanding those individuals for whom it has been established are under specific threat.

(3) Policy Aims and Objectives

The Policy is intended to provide a framework for consistent decision-making by explaining and interpreting the relevant criteria to be considered before the grant, further grant, or variation of a Firearm Certificate will be authorised for the possession of a firearm for personal protection purposes.

(4) Contribution to Policing Objectives

The administration of firearms controls in Northern Ireland is a statutory requirement placed on the Chief Constable by The Firearms (NI) Order 2004. The overall aim of the firearms control in Northern Ireland is public safety. This Policy contributes indirectly to a number of the Policing Boards' objectives including the reduction in crime and the fear of crime, the promotion of safety and improving organisational effectiveness. It will also contribute towards the policing aim of protecting life and property.

(5) Application of the Policy

- (a) This Policy applies to any person who, in accordance with the Firearms (NI) Order 2004, is required to have a Firearm Certificate in order to legally possess a firearm and ammunition for personal protection purposes.

NOT PROTECTIVELY MARKED

- (b) In keeping with the transition process outlined at paragraphs 2(1) (c), 3(2)(d) and 3(2)(e) above it is intended to introduce a specific threat criteria as the good reason for the possession or continued possession of a PPW.
- (c) This Policy will be implemented in a phased manner and may take up to 2 years to review all PPW possessions.
- (d) Prison officers in certain grades may continue to be considered under specific threat and on application will be considered for the issue of a firearm certificate for possession of a PPW
- (e)
 - (i) Retiring and retired prison officers and retiring police officers may have the first grant (maximum 3 years) under The Firearms Order (NI) 2004 without the need to confirm the existence of a specific threat against the individual.
 - (ii) Police officers and certain grades of prison officers by virtue of their employment and duties will have regular and sustained contact with persons that give rise to a potential real and immediate risk to their life.
 - (iii) It is recognised that on retirement that threat does not dissipate immediately and they will be afforded one grant under that assumption. None the less after a period of time (3 years) there is sufficient distance from previous employment for that risk to no longer be considered as good reason to hold a PPW. Notwithstanding that to satisfy the statutory good reason for the possession of a PPW any application for subsequent grants will be based on the existence of a specific threat against the individual.
- (f) By virtue of Article 78 of The Firearms (NI) Order 2004 this Policy does not apply to serving officers of the PSNI, including Full Time and Part Time Reserve and Police Trainees.
- (g) By virtue of Article 78 of the Firearms (NI) Order 2004 this Policy does not apply to Harbour Police, Airport Police who may possess firearms as part of their duties. It will however apply if there is an identified need to possess a firearm for personal protection. Applicants will therefore be required to satisfy the statutory fitness and good reason as described in paragraphs 2.(2) (a) (b) and (c).
- (h) By virtue of Article 78 of the Firearms (NI) Order 2004 police staff who may handle firearms as part of their duties do not require a Firearm Certificate. It will however apply if there is an identified need to possess a firearm for personal protection. Applicants will therefore be required to satisfy the statutory fitness and good reason as described in paragraphs 2.(2) (a) (b) and (c).
- (i) Retiring police officers will be required to provide their own firearm. Their FAC if it relates to the possession of a PPW only will be supplied at no cost.
- (j) This Policy is in respect of personal protection weapons only. Firearms held for sporting and vermin control remain subject to the relevant legislation.
- (k) Under Article 5 of the Firearms (NI) Order 2004 the Chief Constable **may** grant a firearm certificate if satisfied that an applicant can be permitted to have a firearm or ammunition in his possession without danger to public safety or to the peace. The Chief Constable **shall not** grant a firearm certificate unless he is satisfied:
 - (i) The applicant is fit to be entrusted with a firearm;
 - (ii) The applicant has good reason to possess a PPW and ammunition.
- (l) In determining 'Good Reason' in connection with an application for a PPW the Chief Constable would wish to be satisfied that there is a verifiable threat to the life of the applicant which is real and immediate or there are other very exceptional circumstances giving rise to a verifiable risk to the life of the applicant.

NOT PROTECTIVELY MARKED

- (m) The Firearms (NI) Order 2004 does not permit automatic renewals of existing FACs and requires FAC holders to apply for a further grant. Further grant or, variation applications during the lifetime of a certificate or the implementation of this policy will cause a review of PPW holding under the terms of this policy.
- (n) On successful application for a Firearm Certificate all applicants will be required to purchase their own personal protection weapon with a maximum permitted calibre of 9mm for self-loading pistols and .38 for revolvers. Alternative arrangements exist for police staff.
- (o) Firearm certificates for PPW's will only authorise the initial purchase of ammunition. No additional purchases will be permitted without the prior authority of the Chief Constable. Expanding ammunition will not be authorised.

(6) Legal Basis

- (a) Applications for the issue of a Firearm Certificate to legally possess a firearm are governed by The Firearms (NI) Order 2004.
- (b) The PSNI has a statutory duty under Section 32(1) of the Police (NI) Act 2000 to protect life and property.

4. IMPLICATIONS OF THE POLICY

(1) Risk

The application of the Policy will, on occasions, lead to the refusal to grant, or vary a Firearm Certificate for possession of a firearm for personal protection purposes. This may result in the Policy being challenged in the form of appeals to the Secretary of State for Northern Ireland and possible Judicial Review.

(2) Consultation

In consideration of the impact of this Policy and the interest or expertise of other parties affected by the Policy the following have been consulted:

- (a) Chief Superintendent Operational Support;
- (b) Legal Adviser;
- (c) Police Federation for Northern Ireland;
- (d) Superintendents' Association;
- (e) Corporate Diversity Manager;
- (f) Northern Ireland Office;
- (g) Crime Operations, Intelligence;
- (h) Human Rights Lawyer;
- (i) Northern Ireland Prison Service.

5. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION

- (1) A primary imperative for this Policy is the standards and principles of the Human Rights Act 1998. Under Article 2 ECHR the state has a positive duty to protect life. This places a positive obligation on the Chief Constable to take all reasonable measures to obviate the risk to an individual's life where the police know, or ought to know, that there is a real and immediate risk.

- (2) Police officers and police staff should also be aware of the impact of Article 8, the Right to Respect for Private and Family Life as they may become aware of confidential matters relating to the individual. Any interference with this right should be lawful, proportionate and necessary to achieve the legitimate aim of preventing crime.
- (3) In complying with his duty to protect life the Chief Constable must also take into account the risk to public safety that may be created by a person who is not fit to be entrusted with a firearm and the general undesirability to have handguns for personal protection widely available in society.
- (4) Section 75 of the Northern Ireland Act 1998 imposes statutory duties on the police with regard to equality of service delivery. This directive requires police officers and police staff to provide an equitable service to any individual involved subject only to the considered assessment of the degree of risk known to the police. This reflects the Prohibition of Discrimination contained in Article 14.
- (5) This Policy is deemed to be Human Rights compliant; it has been screened for Section 75 considerations and meets integrity standards. The Policy is suitable for disclosure in accordance with the Freedom of Information Act 2000. (Sections 1 – 6 only.)

6. REVIEW

- (1) The Policy will be monitored from the date of implementation by Firearms and Explosives Branch and formally reviewed 12 months after the date of approval or sooner if considered appropriate. Firearms and Explosives Branch will initiate the review.
- (2) Feedback relating to this Policy should be addressed to Head of Firearms and Explosives Branch, Lisnasharragh.