

# Police Service of Northern Ireland

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## POLICY DIRECTIVE

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### POLICE USE OF FIREARMS

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#### 1. POLICY IDENTIFICATION

**POLICY TITLE:** Police Use of Firearms

**POLICY OWNERSHIP:**

**DEPARTMENT  
BRANCH**

Operational Support Department  
Operations Branch,  
Conflict Management Development Unit

**POLICY APPROVED BY:**

**CCF REF/OTHER  
DATE OF APPROVAL**

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## 2. POLICY STATEMENT

### (1) Policy

- (a) This document represents the Chief Constable's Policy in respect of the use of firearms by police officers. It complies with the principles of the Human Rights Act 1998 and other international human rights instruments.
- (b) In recognition of the special circumstances prevailing in Northern Ireland, the Chief Constable has given standing authority for all officers, subject to successful training, to be issued with a personal issue handgun which may be carried when officers are both on and off duty. In addition, the standing authority addresses situations in which officers may be issued with other firearms and less lethal weapons when they are on duty. This standing authority will be kept under regular review in accordance with Recommendation 65 of the Independent Commission on Policing in Northern Ireland.
- (c) Policy in relation to the issue of firearms to Armed Response Units (ARUs) and Specialist Operations Branch (SOB) for use in policing operations is outlined at Section 7.2(4).
- (d) It is the aim of the Police Service of Northern Ireland (PSNI) to uphold and protect the human rights of all the people in Northern Ireland by providing a high quality, effective policing service in partnership with the community and in co-operation with other agencies. In carrying out their duties, police officers shall, as far as possible, apply non-violent means before resorting to the use of force or firearms. Police officers must only resort to the use of force or firearms if other means remain ineffective or there is no realistic prospect of achieving the lawful objective without exposing police officers, or anyone whom it is their duty to protect, to a real risk of harm or injury. Officers must ensure that they make a record of the event in the prescribed manner and comply with the Association of Chief Police Officers (ACPO) Manual of Guidance on The Management, Command and Deployment of Armed Officers and the PSNI Code of Ethics.
- (e) Whenever officers resort to the lawful use of force or firearms they shall:
  - (i) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved;
  - (ii) Minimise damage and injury; and respect and preserve human life;
  - (iii) Ensure that assistance and medical aid are secured to any injured person at the earliest possible opportunity. (Refer to Service Procedure No 38/2002 - Provision of First Aid During Planned Events, Anticipated Public Disorder Incidents and Spontaneous Incidents);
  - (iv) Ensure that relatives or close friends of the injured or affected person are notified at the earliest opportunity;
  - (v) Where force or firearms are used, report the incident promptly to their supervisors;
  - (vi) Comply with Police Service policy, procedure and guidance.(Code of Ethics for the PSNI Article 4.3).
- (f) A police officer shall discharge a firearm only where the officer honestly believes it is absolutely necessary to do so in order to save life or prevent serious injury, unless the discharge is for training purposes or the humane destruction of animals.

(Code of Ethics for the PSNI Article 4.4.)

It should be noted that any breach of the Code of Ethics is a potential disciplinary offence.

(2) **Definitions**

(a) **Authorised Firearms Officer (AFO)**

An Authorised Firearms Officer (AFO) is a police officer attached to SOB or ARU who has been selected and trained in the use of firearms in policing operations. The officer will have reached the required level of competency in weapon handling, tactical knowledge, shooting skills and judgement as required by the Chief Constable. Certain officers attached to specific units will receive additional training in the use of firearms in pre planned policing operations and specialist entry and search techniques. Details of the skills and tactics applicable to certain groups of officers and units can be found at Appendix 'A'.

(b) **Armed Response Vehicle (ARV)**

An Armed Response Vehicle (ARV) is a patrol car normally crewed by 3 officers which contains all equipment necessary to enable the firearms trained crew to respond to an initial firearms incident. Ideally, at least 2 of the officers should be qualified to drive the vehicle.

(c) **Deployment**

AFOs are considered as being "deployed" when they are required to conduct a specific task during which their possession of a firearm, with appropriate authorisation, is a required element. This includes when they self-deploy as provided for under the guidance set out in this document and the ACPO Manual of Guidance on The Management, Command and Deployment of Armed Officers.

(d) **Less Lethal Options**

(i) The term 'less lethal options' refers to weapons, devices and tactics, developed and used to minimise the need for recourse to conventional firearms. In addition to less lethal weapons, the term less lethal options includes:

(aa) Negotiation;

(bb) Police dogs;

(cc) Barriers to restrict or impede movement;

(dd) Vehicle stopping devices;

(ee) Tactics and devices designed to minimise the risks to a subject;

(ff) The range of tactical options set out in the **ACPO Personal Safety Manual** and the **PSNI Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy**.

(ii) Less lethal options should be considered in all police responses, including counter-terrorist.

(e) **Emotionally or mentally distressed**

The term emotionally or mentally distressed is used to describe individuals who may behave in an unexpected, extreme or challenging manner as a result of a mental health problem, or emotional distress.

(f) **Principal Officers**

Principal Officers is a term used to identify members of staff most involved in, and most affected by, a firearms incident.

**3. INTRODUCTION**

**(1) Summary**

- (a) The purpose of this Policy is:
  - (i) to promote an understanding and to provide practical guidance concerning the legal implications surrounding the carriage and use of firearms by police officers;
  - (ii) to set out Service Policy concerning the deployment and training of police officers issued with firearms and to support and inform operational performance, decision-making and planning in policing situations where the possession of a firearm is a required element.
- (b) It is intended to follow the ACPO Manual of Guidance on The Management, Command and Deployment of Armed Officers.
- (c) The ACPO Manual places the management, command and deployment of armed officers into the context of general policing and provides:
  - (i) Guidance on the appropriate issue and use of firearms and related less lethal options within the Police Service;
  - (ii) A basis for the training of all relevant police staff in matters relating to the operational use of firearms. This includes command issues at strategic, tactical and operational levels;
  - (iii) Guidance on command structures, tactical options and operational issues associated with the deployment of AFOs.
- (d) The Manual of Guidance is a 'living' document. It is kept under constant review and updated on a regular basis in order to ensure that good practice is incorporated and to take account of emerging legislation. The purpose of the manual is to act as a central reference document and to provide guidance on matters relating to the deployment of police officers to situations that may require the intervention of armed police.
- (e) The manual has and will continue to inform relevant policies, practices and procedures within policing in Northern Ireland. It provides advice and guidance for officers of all ranks and disciplines.
- (f) The manual will be of particular relevance to those officers who are involved in the planning or command and control of firearms related operations/incidents. It will also be applicable to operational officers who are deployed to an operation or incident that requires an armed police response.

- (g) The manual does not seek to be prescriptive in terms of its content, however, where the term '**must**' appears, it is to be interpreted as follows:
- 'A police force or an individual officer is under a positive obligation in law, or that given the gravity of the issue, the inclusion of the term 'must' has been approved by ACPO Chief Constables' Council, thereby endorsing the need for this action to be completed. If a chief officer determines it necessary to issue separate instructions, due to the operational context or legal provisions appertaining in a specific jurisdiction, they should produce a documented audit trail explaining their rationale for doing so and this should be included within their force's Strategic Firearms Threat and Risk Assessment' (**ACPO Manual of Guidance on The Management, Command and Deployment of Armed Officers page 8 paragraph 0.9**)
- (h) ACPO recognises that situations involving the deployment of armed officers by their very nature, often involve a set of circumstances which are constantly evolving. Nothing in the manual is intended to restrict police officers from taking innovative action to effectively resolve incidents in ways which are not included in the manual.
- (i) To ensure interoperability, consistency of practice and compliance in relation to the management, command and deployment of AFOs, **ACPO (2009) Manual of Guidance on the Management, Command and Deployment of Armed Officers** will be regarded as the overarching authoritative document in relation to all other aspects of associated ACPO and Service Procedures on firearms. However, the manual **must** be read in conjunction with established PSNI policies and procedures. It would be the intention that PSNI Firearms Policy will fully reflect the ACPO manual, however it is recognised that there may still be some areas where PSNI Policy will be at variance to guidance provided in the manual. Where this is the case PSNI Policy will take precedence. Where any difficulties arise the matter should be referred to the Assistant Chief Constable (ACC), Operational Support Department (OSD) for further action where necessary.
- (j) The manual will continue to be formally reviewed by ACPO. The PSNI representative on the ACPO Armed Policing Working Group and other relevant sub groups will ensure that future updates to the manual continue to reflect the policing environment in Northern Ireland.
- (k) Chapter 4, paragraph 4.5 of the manual outlines the circumstances under which the Chief Constable may grant standing authority to allow the PSNI to maintain an armed capability. This standing authority will be kept under regular review in accordance with Recommendation 65 of the Independent Commission on Policing in Northern Ireland.
- (l) Police officers are issued with handguns on a personal basis. A range of other firearms, including the Heckler and Koch weapon system, are also available for issue to officers trained in their use and where a threat assessment indicates that their carriage is appropriate.
- (m) Incidents involving the use of firearms are, quite properly, of particular interest to the media and the general public. Public confidence in the police is of the utmost importance. It is important for that public confidence, that in their bearing and conduct police officers are seen to be well-trained and disciplined in handling weapons.

- (n) The use of drugs in medical treatment or consumption of alcohol can reduce an officer's alertness and performance. Article 9 of the PSNI Code of Ethics addresses the importance of officers' fitness for duty and issues associated with consumption of alcohol, illegal drugs and prescription drugs. These standards are particularly important in respect of officers undertaking firearms duties. An officer who is receiving a course of drug treatment must seek the advice of their own doctor or Occupational Health and Well-being (OHW) if they are concerned about side effects of the drugs. Any other relevant concerns or medical advice given to an officer must be brought to the attention of their immediate supervisor or OHW, who should take appropriate action. The following Policy Directives are also worthy of note - Policy Directive No 10/08 – Alcohol Misuse and Policy Directive No 11/08 – Substance Misuse.
- (o) AFOs, Commanders and Tactical Advisers, without prejudice to the role they undertake, can request to be temporarily stood down from such duties. This is particularly relevant where there are medical, emotional or other life stresses which may interfere with the discharge of critical decision making or their overall effectiveness. This process should also apply to those involved in key support roles.
- (p) All officers have a personal responsibility to inform the issuing officer or a supervisor of any circumstances where they believe that they may be unfit to carry out their duties. The issuing officer or supervisor is responsible for deciding whether that officer should be issued with a firearm and record their decision and the rationale for it. Officers and supervisors have an equal responsibility in relation to personal issue handguns. See also Policy Directive No 03/08 – Access to Firearms and Ammunition – Suitability of Police Officers and Police Staff.

## **(2) Legal Basis**

### **(a) Introduction**

This section is designed to provide a summary of the legal rules governing the use of force. It is designed to provide practical guidance to officers, so that they are aware of their rights and responsibilities when using, or considering the use of, force. It will set out the main legal (including human rights) provisions, and give some practical examples, referring to relevant legislation, leading cases and other sources of law, as necessary. Article 4 of the PSNI Code of Ethics sets out the standards expected of officers, and serves as a useful aide memoire of the key principles. It is not feasible to cover all of the issues in this document, and officers may have questions that are not answered here. If further guidance is required, an officer should contact their supervising officer. If questions still remain, the PSNI Human Rights Legal Adviser can be contacted.

### **(b) Context**

- (i) Police, by virtue of their position in society, are subject to onerous responsibilities concerning the use of force. The Council of Europe<sup>1</sup> has recognised this, stating "police play a vital role ... they are frequently called upon to intervene in conditions which are dangerous for their members, and (...) their duties are made yet more difficult if the rules of conduct of their members are not sufficiently precisely defined ...."<sup>2</sup>. Abuse by police of their powers can have extremely serious consequences for the rights of the individual and for society as a whole. For these reasons, clear rules governing the use of force by police officers, coupled with robust oversight mechanisms, are key;

<sup>1</sup> An international organisation established in 1949, to, amongst other things, defend human rights and promote the rule of law. The European Convention on Human Rights is a Council of Europe Treaty.

<sup>2</sup> Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe on the Declaration on the Police.

- (ii) Police officers may use force in order to defend themselves or another, effect an arrest, carry out a lawful power, secure and preserve evidence or uphold the peace, provided such force is lawful, proportionate and reasonable in the circumstances. The carriage of firearms by a police officer or the presence of an armed officer does not, in itself, constitute a use of force. When a police officer makes use of a firearm or less lethal weapon, for example, by pointing it or by discharging the weapon, that will constitute a use of force for which the officer is both legally and organisationally accountable.
- (c) For the purpose of this guidance, a police officer will be deemed to have used a firearm or less lethal weapon when it is:
- (i) Pointed or aimed at another person;
  - (ii) Fired at another person;
  - (iii) Discharged in any other operational circumstances, including an unintentional discharge.

See also Section 3 paragraph 3(17).

- (d) Police (Northern Ireland) Act 2000

Section 32 of the Police (NI) Act 2000 states:

“It shall be the general duty of police officers:

- (i) to protect life and property;
- (ii) to preserve order;
- (iii) to prevent the commission of offences;
- (iv) where an offence has been committed, to take measures to bring the offender to justice.”

It is clear that, in the execution of their duties, police officers may be required to use force in certain circumstances. A clear distinction can be made between lethal force and non-lethal force.

- (e) Lethal force

- (i) Lethal force includes:
  - (aa) the use of force which is intended to result in the death of a person and which has that effect;
  - (bb) the use of force which results in the death of a person and which could have been reasonably foreseen to have that consequence;
  - (cc) the use of force which results in serious injury to a person, where death could have occurred.
- (ii) United Kingdom law, interpreted in the light of Article 2 of the European Convention on Human Rights (ECHR), imposes upon States an obligation to safeguard life. This consists of 3 main duties:
  - (aa) not to deprive a person of his or her life unless absolutely necessary for a specified aim (which is, in effect, the protection of the life or lives of others);

- (bb) to investigate suspicious deaths; and
  - (cc) to take steps to protect life (often referred to as the “positive obligation).”
- (iii) Absolute necessity
- (aa) Lethal force may be used only where it is absolutely necessary to do so, in pursuit of a specified aim. Article 2 of the ECHR makes reference to 3 specified aims. However, in United Kingdom law, a deprivation of life may only be justified if it is absolutely necessary for the protection of the lives of others. The other aims (to quell a riot or insurrection or to prevent the escape of a detainee) may not, of themselves, be used as a justification for the use of lethal force.
  - (bb) There is a requirement of strict proportionality between (a) the objective and (b) the force used to achieve it. The person using the force must honestly believe that it is **absolutely necessary** to use lethal or potentially lethal force to avert a real and immediate risk to the lives of themselves, and/or others. An honestly held belief may subsequently be shown to have been mistaken, but this will not of itself render the deprivation of life in violation of Article 2 of the ECHR.
  - (cc) The question of whether a use of force was “absolutely necessary” in the circumstances is one that depends to a very large degree on the facts of the individual case. Key issues to consider include:
    - (A) the nature of the aim pursued – is it the protection of a person from unlawful violence which poses a real and immediate risk to life?
    - (B) is the use of lethal/potentially lethal force absolutely necessary in the circumstances, bearing in mind the dangers to the lives of all persons involved?
    - (C) what are the risks to others, including the subject of the force and all others in the vicinity?
    - (D) what other options were considered before resorting to the use of force? What weapons or equipment were available at the time? Why were these options discounted? Have all relevant decisions been recorded and reported?
  - (dd) The method of applying force must be in accordance with PSNI instructions and training. Officers must report any defects, etc. in their equipment, and to ensure that they undergo training in accordance with Service instructions.
  - (ee) The ECHR closely examines the planning and control of operations. A key issue is whether the operation was “planned and controlled by the authorities so as to minimise, to the greatest extent possible, recourse to lethal force.” (McCann and others v United Kingdom (1996) 21 EHRR 97). This standard is reflected in the PSNI Code of Ethics, at Article 4.2. All decisions should be subjected to a process of constant critical analysis.

(iv) Investigations

If death (or injury) occurs as a result of the use of force or other involvement of a PSNI officer, an independent investigation is required. In practice, this will be carried out by the Police Ombudsman's Office. All PSNI officers and staff must comply with any investigation (see Policy Directive 03/06 – Post Incident Procedure, Deployment of Post Incident Managers – Discharge of Firearms). In addition, all suspicious deaths (whether involving the police or not) must be the subject of an effective official investigation, and police officers must facilitate such investigations as appropriate.

(v) Positive obligation

A full discussion of this issue is outside the scope of this Policy Directive. In brief, there are situations where the police are required to take all reasonable steps to avert a real and immediate risk to life from the criminal acts of others, of which they are aware or should have been aware. Where lethal force is necessary to protect the lives of others, including those attempting to self-harm, paragraph (i) above will apply.

(f) Non-lethal force

(i) When police are required to use force to achieve a lawful objective (such as making a lawful arrest, acting in self-defence or protecting others) the legal bases are to be found in:

(aa) Common law;

(bb) Section 3 Criminal Law Act (NI) 1967;

(cc) Article 88 Police and Criminal Evidence (NI) Order 1989 (PACE).

(ii) All force used must be 'reasonable in the circumstances'. More specific guidance on the usage of a particular method of force can be found, as appropriate, in Section 7. Factors which may assist in establishing whether or not the use of force was reasonable in the circumstances are:

(aa) Was the use of force lawful? – eg is the aim one of those outlined in Section 3 Criminal Law Act, PACE or Common Law?

(bb) Was the degree of force used proportionate in the circumstances?

(cc) What other options were considered? If so, what were they? Why were those options discounted? Has an adequate record of all relevant decisions been made?

(dd) Was the method of applying force in accordance with Service instructions and training?

(iii) Any force used must not be greater than was reasonable in the circumstances. If force used is not reasonable it may leave the officer open to criminal or misconduct proceedings. In addition, it may constitute a violation of the human rights of the person against whom the force was used.

(iv) Article 3 of the ECHR prohibits torture or inhuman or degrading treatment, or punishment. Excessive use of force by the police can engage Article 3. In *Timurtaş v. Turkey* ((2001) 33 EHRR 121) the European Court of Human Rights stated: "... where an individual is taken into custody in good health but is found to be injured at the time of release, it is incumbent on the State to provide a plausible explanation of how those injuries were caused, failing which an issue arises under Article 3 of the Convention." In *Ribitsch v. Austria* ((1996) 21 EHRR 573) the Court held that: "... in respect of a person deprived of his liberty, any recourse to physical force which has not been made strictly necessary by his own conduct diminishes human dignity and is in principle an infringement of the right set forth in Article 3 of the Convention."

(g) Investigations

In the event of the use of force by a PSNI officer, an effective investigation may be required. If so, this will be carried out by the Police Ombudsman's Office. [See also Policy Directive 04/09 – Policies and Procedures Relating to the Police Ombudsman for Northern Ireland (PONI)]. All PSNI officers and staff must comply with any such investigation. (See Policy Directive 03/06 – Post Incident Procedure, Deployment of Post Incident Managers – Discharge of Firearms).

(h) Children and Members of other Vulnerable Groups

Special consideration should be given to the heightened vulnerabilities of children and members of other vulnerable groups in relation to the use of force. Although not incorporated into domestic legislation, officers should take cognisance of the United Nations Convention on the Rights of the Child (UNCRC). Article 3 of the Convention requires the best interests of children to be a primary consideration in all actions concerning children. See also Section 7.5 (16)-(21).

(i) Other relevant legal provisions

(i) Corporate Manslaughter

(aa) On the 6 April 2008 the Corporate Manslaughter and Corporate Homicide Act 2007 (CMCHA) came into force throughout the UK. In England, Wales and Northern Ireland, the new offence is called corporate manslaughter, and in Scotland it is called corporate homicide;

(bb) Under Section 1 of the CMCHA 2007, an organisation is guilty of an offence if the way in which its activities are managed or organised:

(A) Causes a person's death; and

(B) Amounts to a gross breach of a relevant duty of care owed by the organisation to the deceased.

(cc) An organisation is guilty of an offence only if the way in which its activities are managed or organised by its senior management is a substantial element in the breach referred to in CMCHA 2007 subsection (1).

(ii) Misconduct in Public Office

This is a common law offence; the elements of misconduct in public office are:

(aa) A public officer acting as such; and

(bb) Wilfully neglects to perform his duty and/or wilfully misconducts himself; and

- (cc) To such a degree as to amount to an abuse of the public's trust in the office holder; and
  - (dd) Without reasonable excuse or justification.
- (iii) Health and Safety at Work (Northern Ireland) Order 1978.

Section 31 (1)(a) of The Health and Safety at Work (Northern Ireland) Order 1978 creates a single offence of failing to discharge the duties imposed by Articles 4 to 8. The relevant duty in this situation is provided by Article 5(1), which states:

It shall be the duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health and safety.

**(3) Authority and discretion to use force and firearms**

- (a) In exercising the duties of the office of Constable, officers have a personal accountability and responsibility for the protection of life and carrying out duties associated with that office.
- (b) In all situations it is the individual officer who must assess the immediacy and proximity of the threat and make an operational decision as to whether it is absolutely necessary to discharge a firearm or take other decisive action. Any discharge of a weapon other than in training, whether intentional or otherwise, must be reported by the officer concerned in accordance with current Service Policy and, subject to any individual legal or medical advice, recorded in the officer's official notebook or journal. The recording of all relevant information, in as much detail as feasible and as soon as possible after the event, will be of great assistance in justifying actions taken during any subsequent administrative or legal proceedings.

**(4) Accountability for use of force decisions**

- (a) Each officer is individually accountable for their decisions and actions. This will include decisions to refrain from using force as well as any decisive action taken, including the use of force or a firearm.
- (b) Police officers are answerable, ultimately, to the law in the courts and must be in a position to justify their decisions and actions based on their honestly held belief as to the circumstances that existed at the time, and their professional and legal responsibilities.
- (c) There may, however, be situations where a Commander, on the basis of information and intelligence available to them, considers it necessary to either constrain or direct officers in respect of their use of force, firearms or less lethal weapons.
- (d) Commanders and those involved in the assessment of intelligence, provision of tactical advice and relaying of communications will be legally and professionally responsible for decisions that they make and any advice or directions that they give.
- (e) Officers will be accountable for their response to such directions and their actions, which must be justified by reference to the circumstances which they honestly believed to exist at the time.

**(5) Command decisions**

- (a) Where command decisions are made to constrain or direct action by an AFO, the direction by the Commander will form an essential part of the AFO's decision-making.
- (b) In situations involving hostages, or where there are persons at risk at a secondary location, the implications of an AFO taking individual action in respect of a threat to life may have unforeseen consequences. In these situations, Commanders may require constraints to be placed on the individual decision-making which is normally vested in AFOs.
- (c) There may also be circumstances where, due to the immediacy and proximity of a threat, there is not time to update an AFO on the unfolding circumstances and a direction needs to be given to an AFO to take decisive action. This may include a time-critical discharge of firearms to protect life.
- (d) There may be circumstances where the individual AFO has sight of a designated subject, but has limited knowledge of the threat they pose. Examples could include a developing siege where the Commander has intelligence of an imminent threat by a hostage taker and needs to give a direction to an officer(s) who is in a position to take a time-critical shot to protect life. Similar circumstances could exist during intelligence-led operations against individuals where it is believed that they intend to detonate explosives or take other life-threatening action, which must be prevented and there is no other feasible option in the circumstances.
- (e) In situations where it is foreseeable that circumstances may arise where it may become time-critical for officer(s) to intervene to stop a subject carrying out an attack, consideration should be given to agreeing command protocols in advance, if time allows. Command protocols should set out the situations in which officers are empowered to take decisive action, including opening fire without recourse to a Commander. The use of command protocols does not diminish the need for effective communication between Commanders and AFOs. Commanders remain accountable for protocols developed and decisions taken.
- (f) In circumstances where a Commander directs AFOs to refrain from a particular course of action, withhold fire, take a time-critical shot or other decisive action, there should be absolute clarity as to the direction given and course of action expected. It is important that plain language is used to convey critical directions, thereby reducing the potential for confusion. Care should be taken in respect of using codewords or complex descriptors, which have the potential to confuse staff involved. It will be for the Commander who directs such action to later justify the directions given, and for the AFO to explain their individual response and any action taken.

**(6) Obedience to lawful orders**

- (a) The PSNI Code of Ethics addresses the responsibility of police officers to abide by all lawful orders. The Police Service is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of legislation applicable to the police. Officers must support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.
- (b) Unless an order to use force or firearms is manifestly illegal or beyond the tactical capability of the officers concerned, officers have a duty to comply with such instructions.

- (c) Obedience to the orders of a commander or supervisor is no defence, however, if a police officer knew that the order to use force was unlawful and they had a reasonable opportunity to refuse to obey it. Responsibility will also rest with the supervisor who gave the order. Any police officer who has reason to believe that improper force has been used or is about to be used by another police officer shall, to the best of their capability, prevent and rigorously oppose any such use of force. This officer shall, at the earliest opportunity, report the matter to their Commander or supervisor and, where necessary, to other appropriate authorities vested with responsibility for investigating such matters.
- (d) Commanders and supervisory officers will be held responsible if they know, or should have known, through the proper discharge of their duties, that officers under their command are resorting, or have resorted, to the unlawful use of force, and they did not take all reasonable measures to prevent or report such use.

**(7) Circumstances when firearms may be discharged**

Firearms may be discharged by police officers only when absolutely necessary. An officer, in discharging a firearm, must honestly believe that, given the immediacy and proximity of the threat, the immediate discharge of a firearm is absolutely necessary in the circumstances. See **Absolute Necessity** (Section 3 paragraph (2)(f)(iii)).

**(8) Challenging and communicating with subjects**

- (a) Where circumstances permit, officers should identify themselves as armed and give a clear direction to the subject, giving sufficient time for the directions to be observed unless to do so would unduly place any person at risk, or would be clearly inappropriate or pointless in the circumstances of the incident. Oral or visual warnings should make the subject aware of the nature of the armed police intervention and serve as a clear warning to them and make it clear that force and/or firearms may be used.
- (b) All AFOs should receive training in communicating with subjects. On first verbal contact, officers should normally:
  - (i) Identify themselves as police officers and the fact that they are armed;
  - (ii) Clarify who they are seeking to communicate with;
  - (iii) Communicate in a clear and appropriate manner.
- (c) Where weapons are fitted with torches or laser sights, officers should consider the effects of their use during any confrontation. For further information see Section 7.5(18) Environmental and Behavioural Influencers.

**(9) Discharge of firearms**

- (a) The primary intention of the police is to prevent an immediate threat to life by shooting to stop the subject from carrying out their intended or threatened course of action. In most circumstances this is achieved by aiming to strike the central body mass (ie, the torso).
- (b) Research indicates that the accuracy of shots fired under training conditions is generally greater than in operational circumstances. Police officers are normally trained to discharge conventional firearms at the largest part of the subject they can see, which in most cases will be the central body mass.
- (c) The physical response of a person to having been shot is unpredictable; there are a range of physical and psychological moderators which can contribute to the nature and extent of any response. Only shots striking the central nervous system (which is largely located in the brain and spinal cord) and the major organs, which are contained in the upper body, are likely to result in rapid incapacitation.

- (d) There will be circumstances when aiming directly for the head will be necessary, as aiming to strike another part of the body would:
  - (i) Be impractical in the circumstances;
  - (ii) Present increased risk to life;
  - (iii) Be unlikely to achieve immediate incapacitation.
- (e) Alternative points of aim will be appropriate for approved less lethal weapons in accordance with weapon-specific guidelines. Where alternative points of aim and intended points of impact are referenced in the guidelines, the purpose is normally to minimise the risk of unintentional effects or potentially lethal injuries, and to maximise the effectiveness of the weapon system.
- (f) When it is considered necessary to discharge a firearm at a subject, police officers need to shoot to stop an imminent threat to life. The imminence of any threat should be judged, in respect to the potential for loss of life, with due regard paid to legislation and consideration of necessity, reasonableness and proportionality.
- (g) When an officer decides to discharge a firearm, the number and sequencing of rounds fired will depend on the circumstances that exist at the time. Officers must constantly assess the threat posed by the subject and the continuance of the threat. Officers must be able to demonstrate that the degree of force used was absolutely necessary and relative to the threat posed. The use of excessive force is strictly prohibited.
- (h) The discharge of firearms by police may not necessarily result in the death of a subject, therefore, every effort must be taken by police to provide medical assistance.

**(10) Accountability for all rounds fired**

- (a) Officers are accountable for all rounds they discharge and they should be aimed so as to minimise risk (either directly or by ricochet) to any person other than the subject. Where in exceptional circumstances a round is discharged in a direction where it is not intended to strike a person or defined area, officers must take account of potential unintentional harm being caused as a consequence. This could also include death or serious injury of a person not in the immediate proximity.
- (b) Officers should be aware that any discharge of a firearm may lead a subject or other officer to believe that they are under fire.

**(11) Suspects in vehicles**

Police officers should not, in normal circumstances, fire at or from moving vehicles. There may be situations where life is at risk and the only course of action available is to engage a subject in, or from, a moving vehicle. Firearms should not be discharged at a moving vehicle simply because it has failed to stop when directed, or to immobilise the vehicle, unless there is intelligence to support such action. It may be appropriate to use firearms to immobilise a moving vehicle if warranted by the threat. In these circumstances only appropriately trained officers using authorised equipment and ammunition may undertake this activity. If such a course of action is deemed absolutely necessary, officers must be aware of the potential consequences and their responsibilities to the public. The following matters must be borne in mind:

- (a) The construction of modern vehicles means that shots are unlikely to be effective in immobilising the vehicle and there may be real danger of ricochet;
- (b) Rounds may over penetrate the vehicle causing danger to innocent persons;
- (c) If the driver is killed or injured, there is a high risk of the vehicle going out of control;

- (d) The difficulty of maintaining accuracy when firing from a moving vehicle;
- (e) When bullets, especially those from high-velocity weapons, strike the windows or bodywork of a motor vehicle, a flash is produced which may resemble the muzzle flash of a weapon, thereby potentially causing officers to believe that they are being fired at. The same effect could be produced when a high-velocity bullet strikes the window of a building or other solid matter.

**(12) Humane Destruction of Animals**

- (a) The humane destruction of an animal is a duty which may fall to the Police Service if the animal represents a danger to lives or property, or if it is in such a condition that it must be killed to avoid unnecessary suffering, and no veterinary surgeon or licensed slaughterer is available to perform the task or they are otherwise unable to do so. In any event a Firearms Tactical Adviser (FTA) should be contacted as outlined in Section 7.7 below.
- (b) Instructions in relation to Dangerous Wild Animals are outlined in Service Procedure No 56/2007. If it is considered that a dangerous wild animal is a real threat and may require destruction, appropriately trained and equipped AFOs will be deployed.
- (c) If prior to the arrival of AFOs it is considered that an animal is a real threat and requires immediate destruction, other police may cause this to be carried out on their behalf (if an individual with a suitable means of destruction is available) or they may carry it out themselves. Suitable calibre weapons should be used and great care must be exercised to prevent injury to any other animal or members of the public. Animals suspected of being rabid must **not** be shot in the head as the biological tests required on the carcass after its death involve the brain. Shots aimed at vital organs such as the heart (on best expert advice at the time) will often miss the intended target but may well incapacitate the animal allowing the marksman to approach the animal to finalise the kill.
- (d) A comprehensive document entitled, '[The Humane Destruction of Animals by Police](#)', prepared by the Home Office Scientific Development Branch (HOSDB) and the Firearms Training and Advisory Group (FTAG) addresses the destruction of domestic and non-domestic animals and should be referred to.

**(13) Firearms Incident Enquiry**

- (a) The following guidelines for post incident investigation apply to cases where there has been a discharge of a firearm by a police officer either on or off duty, with the following exceptions:
  - (i) The discharge was accidental within police premises and no injury resulted;
  - (ii) The firearm was discharged during training;
  - (iii) The humane destruction of animals.
- (b) The Police Ombudsman for Northern Ireland (PONI) shall be the focal point for all complaints about the police. In the event of a police officer discharging a firearm, including an Attenuating Energy Projectiles (AEP) launcher, (irrespective of whether a complaint has been made) the Chief Constable has directed that the Ombudsman's office be informed immediately. It will be the responsibility of the senior officer on duty to contact the on-call Ombudsman's Senior Investigating Officer (SIO). The emergency call-out procedure for contacting the Ombudsman must be followed.

- (c) An incident where weapons have been discharged by police officers will be the subject of a thorough investigation by the Police Ombudsman. The scope of the investigation will be thorough and wide ranging. It will not only include the circumstances of any injury to, or death of any person who may have been shot, but also the circumstances leading up to the discharge of firearms and all the surrounding issues such as the management of the incident and planning of the operation. Police officers responsible for the planning and control of operations where the use of force is a possibility shall so far as possible plan and control them to minimize recourse to force in particular, potentially lethal force (PSNI Code of Ethics 4.2).
- (d) The Police Ombudsman will appoint a SIO to commence a formal investigation in accordance with the Police (NI) Act 1998. Pending arrival of the Ombudsman SIO, the Tactical Firearms Commander or the senior officer on duty will ensure the preservation of the scene, the security of physical evidence, provision of medical assistance where required and account for all potential witnesses. No substantive steps in relation to the investigation can be taken pending the arrival of the Ombudsman SIO.
- (e) There will inevitably be a transition from the operation itself to the investigation. Guidance relating to joint scenes can be found on the Professional Standards Department (PSD) website on PoliceNet. Where joint scenes are involved, Police and Police Ombudsman's Investigators will investigate within their respective areas of responsibility. For example, where an armed robbery has taken place and the police have discharged firearms to effect arrest, there is an onus on both the police and the Ombudsman's office to carry out an investigation. However, the agency with the most serious crime allegation will generally take the lead in respect of forensic support, crime scene management and access to witnesses and suspects. In this transitional phase close liaison is essential between the Tactical Firearms Commander, PSNI SIO and Ombudsman's SIO having due regard to the PSNI Post Incident Managers Policy. Primacy will be determined on a case specific basis. In accordance with the agreed protocol, the on-call Ombudsman's SIO will inform police of the intended action of the PONI investigators;
- (f) It is in the interests of the public, the individual officer, the Police Service, and everyone involved in an incident where firearms have been discharged by police officers, that subsequent procedures should be open, transparent and that the integrity of all action is maintained. The manner in which the Police Service responds to such incidents and the professional standards applied are naturally of great interest to the public;

(See also Policy Directive 03/06, Post Incident Procedure Deployment of Post Incident Managers – Discharge of Firearms).

#### **(14) Planning**

- (a) All officers involved in policing operations must ensure that their actions are compatible with the rights of individuals under the ECHR. In *McCann -v- UK* (1995) the Court held that the state must provide appropriate training, instructions and briefing to those who are placed in situations where lethal force may be used. Officers are reminded of the content of Article 4 of the Code of Ethics.
- (b) Planned operations where firearms are used will be subjected to a higher level of scrutiny than an incident which has been reported or comes to the attention of the police and an immediate operational deployment of AFOs is considered appropriate. Special considerations need to be taken into account when, in pre-planned operations, it is intended to intercept subjects journeying to, from or engaged in the commission of an offence which may require the deployment of AFOs. In such occasions specific authorisation should be obtained from the Strategic Firearms Commander.

- (c) The plan should be continuously developed in order to provide the safest possible resolution of the incident. Planners must consider all tactical options, eg the choice of weapon or equipment used, may be important to establish that a lesser degree of force was intended. Further detail on this and other relevant issues is set out at Section 3(2) above.
- (d) All plans should be recorded. This will include the considerations of the options rejected or progressed together with the reasons why such conclusions were drawn any by whom.
- (e) An incident which comes to the attention of the police without any prior warning or notification will, by necessity, require an initial response and the development of immediate plans. Information may be limited, therefore, the immediate action plan should, where possible, be one of increasing the level of intelligence available whilst being in a position to contain the threat. See Section 7.4(11).
- (f) In Northern Ireland police officers carry personal issue firearms as a matter of routine. Firearms may not be specifically required for an operation and may, in certain circumstances, be inappropriate. It is important therefore, that in any operation the appropriateness of the availability of firearms is considered and officers connected with the operation are briefed accordingly. [See also Section 7.2(6).
- (g) Command structures for the policing of incidents or events where the deployment of firearms is a consideration are set out in the Strategic/Tactical/Operational command structures, which are clearly explained, in the associated procedures and guidelines at Section 7.4.
- (h) The use of FTAs is covered at Section 7.7 and assists officers to comply with Article 4 of the PSNI Code of Ethics. In particular Article 4.2.
- (i) In the event that Tactical Support Group (TSG) officers are to be utilized in support of a pre planned firearms operation being conducted by SOB, the advice of a FTA should be sought with regard to the numbers of officers required and how they are to be deployed and equipped.
- (j) If an operation raises issues of compliance with human rights law and principles, the PSNI Legal Adviser on Human Rights may be contacted for advice.

**(15) Carriage of Firearms Outside Northern Ireland, but within United Kingdom**

- (a) Firearms and ammunition will not be carried outside Northern Ireland (ie in other parts of the United Kingdom) unless the approval is first obtained from the ACC, Operational Support and a Firearms Certificate issued to each officer.
- (b) The officer in charge of the party will have all the weapons to be transported, including their own personal issue firearm, included on a Firearms Certificate. All other officers will have individual Firearms Certificates authorising possession of their personal issue firearm.
- (c) Each UK Constabulary area through which the officers will pass will be informed by secure means of the dates, times, vehicle details etc as outlined in the ACPO Manual of Guidance on The Management, Command and Deployment of Armed Officers.
- (d) SOB Standing Orders provide comprehensive guidelines on this matter.

**(16) Records and Reports**

- (a) Police officers will verbally report any use of a firearm, including when a weapon is drawn, to their immediate supervisor as soon as practicable. A written report will, subject to any legal and or medical advice, be furnished in accordance with current policy through the appropriate channels. (Article 1.9 Code of Ethics). With the exception of a negligent/accidental discharge, an Electronic Use of Force monitoring form will be used.
- (b) In the case of a negligent/accidental discharge the officer will report the incident on Police Report Form 51/1 and unless Section 3(13)(a)(i) applies the matter will be referred to the PONI. In a case where the discharge was negligent/accidental, within police premises and no injury resulted, the matter will be reported via normal channels to PSD. In any event, a copy of the report will be forwarded to the Chief Firearms Instructor and arrangements made, subject to medical advice, for the officer to attend refresher firearms training.
- (c) Supervisors will ensure that a notebook entry has been completed by the officer(s) involved and that each notebook entry is inspected and signed by that supervisory officer.
- (d) Police officers must fully document the circumstances in which they found themselves, the reasons for their actions and the details of the supervisor to whom they subsequently reported. For more information on recording events – legal and/or medical advice see Section 7 paragraph 6(16).
- (e) Supervisors should ensure that relatives or close friends of the injured or affected person are notified at the earliest opportunity. This should be done, where possible, with the agreement of that injured or affected person. PSNI Code of Ethics, Article 4 refers.

**4. IMPLICATIONS OF THE POLICY**

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

This Policy Directive brings together all matters pertaining to use of firearms, which will ease access to information when planning and dealing with such matters.

**(2) Firearms Training**

**(a) General**

- (i) The Police Service, as an employer, has a statutory obligation to provide, amongst other things, appropriate training and equipment. Individual officers also have a legal obligation to co-operate with their employer in this regard. For this reason, non-compliance with this Policy may constitute a criminal as well as a disciplinary offence.
- (ii) Firearms training is obligatory for **all** officers who are issued with a personal issue handgun. All firearms related training will follow national guidelines set out in the ACPO National Police Firearms Training Curriculum.
- (iii) In order to meet the HMIC recommendation to implement a system of certification and re-certification of officers engaged in the Police Use of Firearms, the Chief Firearms Instructor shall ensure a system for the maintenance of records for individual officers.
- (iv) Each officer is provided with booklet A24(a) which details which firearm(s) the officer is classified in and a record of their attendance at Firearms Training. Persons responsible for issuing firearms must ensure that the officer's A24(a) is current for the classification of firearm being issued.

- (v) To ensure Firearms Training can satisfy themselves the attendees are classified in a particular firearm, it is of the utmost importance that officers are in possession of booklet A24(a) when attending Firearms Training. In addition, if booklet A24(a) has not been endorsed as current, officers will not be permitted to remove that particular classification of firearm from the armoury.
- (vi) Paragraphs 4(2)(b) and 4(2)(c) below provide specific detail on when officers must attend re-qualification training. The following table provides detail on the classification timeline for **all firearms** including the L104A1 launcher.

Timeline (Months)	Classification Status	Training Requirements
0 - 12	Remains classified and is authorised to carry the firearm	Retains classified status by successfully completing refresher course within this time period
12 - 24	De-classified and cannot carry the firearm	Can re-classify by successfully completing refresher course within this time period
+ 24	Untrained	Must undergo initial training course

- (vi) Chief Officers, District Commanders/Heads of Departments (HOD) are responsible for ensuring that police officers under their command attend regular training in appropriate aspects of conflict resolution, first aid and human rights, to the extent that such training is available. In addition to the re-qualification criteria set out in this Policy, officers will, as appropriate to their role, attend tactical firearms related courses as provided by Combined Operational/SOB Training.
- (vii) Police officers are reminded of their personal responsibility to identify their training needs and to bring these to the attention of their immediate supervisor. Police officers are also required to maintain a high level of knowledge in relation to Service Policy and current legislation.

**(b) Personal Issue Handguns**

- (i) Handgun re-qualification training is based on distinct modules which run from April – September and October – March. District Commanders/HOD will ensure that all officers for whom they have responsibility attend handgun re-qualification training once per module. In addition, the Chief Firearms Instructor will manage a system to refresh officers’ tactical skills in line with their Core Skills Profile over a 24 month period.
- (ii) Where an officer does not successfully complete refresher training, they will attend an additional training course as devised by Combined Operational Training (COT) (Firearms) in order to achieve the required standard. Where necessary, an officer will be provided with ‘one-to-one’ tuition at the earliest possible opportunity. If an officer continues to be unable to achieve the required standard the matter will be referred to the Director of Human Resources (HR).

- (iii) In all cases where an officer does not qualify in the refresher training programme, the senior firearms instructor on duty will inform that officer's District Commander. The District Commander will then make an assessment as to the duties that that officer will be required to perform pending any necessary further training. In such cases the District Commander will make a decision based on both the officer's role within the district and a relevant risk assessment.
- (iv) An officer whose period of qualification has expired whilst on secondment to another Police Service or other Agency, sick leave, career break, suspension from duty, maternity leave or due to pregnancy and who is unable to attend firearms training must show good cause for retaining their personal issue firearm. The officer should forward a written report to their respective District Commander/Head of Branch (HOB) who should decide whether or not it is necessary for the officer to retain the firearm. The District Commander/HOB will make arrangements for the officer to attend firearms training for re-qualification at the earliest opportunity. Where possible, officers on secondment should take the opportunity to attend refresher training during a period in Northern Ireland.
- (v) In the case where an officer has been dismissed/required to resign and subsequently reinstated the following procedure will apply:
  - (aa) If the officer remains within their period of qualification, the District Commander/HOB will make arrangements for the officer to be issued with a personal issue firearm at the earliest opportunity; or
  - (bb) If the officer's period of qualification has expired, the District Commander/HOB will make arrangements for the officer to attend firearms training for re-qualification at the earliest opportunity and issued with a personal issue firearm as paragraph (aa) above. If the officer fails the qualification shoot Section 4(2)(b)(iii) refers.

**(c) Heckler and Koch Weapons**

- (i) District Commanders/HOB will ensure that an appropriate number of officers are trained in order to meet locally identified needs, based upon an evaluation of the current threat and risk assessment. Commanders will be required to maintain an adequate level of officers trained in Heckler and Koch weapons appropriate to the local need.
- (ii) District Commanders/HOB will ensure that all personnel trained in the use of Heckler and Koch weapons attend refresher training twice per year, once during the period April – September and again between October – March.
- (iii) District Commanders/HOB will bring these instructions to the attention of all officers under their command, including those personnel who are currently seconded to other Police Services, sick, career break, suspended from duty or on maternity leave.
- (iv) Training for AFOs will be provided in compliance with ACPO guidance and relevant training manuals.

**(3) Risks**

Any tactical option that involves the use of firearms brings with it associated risks to the general public, the subject of the use of force, police and other members of the security forces hence the need to ensure that deployment and use of firearms is guided by the ACPO Manual of Guidance on The Management, Command and Deployment of Armed Officers and current PSNI training procedures. Where possible all anticipated risks should be the subject of a properly conducted Health and Safety risk assessment.

**(4) Bureaucracy**

The introduction of this Policy Directive will result in the cancellation of 6 major Service Procedures and a number of paragraphs of the PSNI Code.

**(5) Internal Policy Links**

(a) General guidance relating to the use of force, relevant techniques and equipment is included in Policy Directive 07/07 Public Order and Use of Force (Including CS Incapacitant Spray, Batons, Handcuffs and Vehicle Mounted Water Cannon) and Service Procedure No 6/2008 - Police Service of Northern Ireland Guidelines on the Operational Use of TASER.

(b) The main reference documents used in this Policy are:

- (i) The ACPO Manual of Guidance on The Management, Command and Deployment of Armed Officers;
- (ii) The ACPO National Police Firearms Training Curriculum.

**(6) Consultation**

(a) Internal Consultation:

- (i) All ACC's;
- (ii) Director of HR;
- (iii) Director of Finance and Support Services;
- (iv) D/Chief Superintendent, PSD;
- (v) D/Chief Superintendent, C4;
- (vi) PSNI Legal Adviser and Human Rights Legal Adviser;
- (vii) Head of Media and Public Relations;
- (viii) District Commanders;
- (ix) Head of Training;
- (x) Chief Inspector, (COT);
- (xi) Chief Firearms Instructor;
- (xii) Chief Health and Safety Adviser;
- (xiii) Superintendent, Community Safety;
- (xiv) Senior Post Incident Manager (PIM);
- (xv) Police Federation for Northern Ireland (PFNI);
- (xvi) Superintendents' Association.

- (b) External Consultation:
  - (i) National Policing Improvement Agency (NPIA);
  - (ii) PONI);
  - (iii) Policing Board HR Legal Adviser.

**5. HUMAN RIGHTS/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION**

This Policy is deemed to comply with the Human Rights Act and UNCRC, it has been screened for Section 75 considerations and complies with the PSNI Code of Ethics. It is suitable for public disclosure in accordance with the Freedom of Information Act 2000 and will be available on the PSNI website, however, the accompanying Procedures and Guidance contained in Section 7 are suitable for internal dissemination only.

**6. MONITORING AND REVIEW**

- (1) The Head of Operations Branch is responsible for reviewing this Policy annually.
- (2) Feedback relating to this Policy should be conveyed to Operations Branch, Conflict Management Development Unit (CMDU).