

# Chapter 8:

## **Access to Firearms and Ammunition**

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### Introduction

- 8.1 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.
- 8.2 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.
- 8.3 These requirements are in accordance with Section 32 of the Police (Northern Ireland) Act 2000 and the Human Rights Act 1998.

### Denying Access to Firearms

- 8.4 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 8.51, bullet point 7 should be adhered to.

### Scrutiny Criteria

- 8.5 The 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.
- 8.6 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.
- 8.7 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:
  - 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.

- 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.
- Where police have attended a reported domestic incident as defined at Section 2 of Policy Directive No 09/08 Police Response to Domestic Incidents, and either the victim or alleged perpetrator is a police officer/police staff.
- Where an officer or member of staff is convicted or under investigation for any alleged offence under The Firearms (Northern Ireland) Order 2004.
- 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.
- Where a police officer or member of police staff is the subject of an 'intelligence led' with cause drug test, pending the result of such test.
- 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).
- Where medical opinion suggests that the medical condition of an officer/member of staff, whether mental or physical, raises concerns about access to firearms.
- Where an officer or member of staff voluntarily surrenders their firearm on the grounds of health, whether mental or physical.
- Where an officer or member of staff is observed or reported as displaying irrational behaviour or demeanour. (See paragraphs 8.96 – 8.98 for information that may be helpful in assessing suicide risk).
- Where any other circumstances cause concern as to the suitability of an officer/member of staff to have access to firearms (e.g. 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).

- 8.8 This chapter 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.
- 8.9 For the purposes of this chapter, 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.
- 8.10 This procedure and guidance contributes to the Northern Ireland Policing Board objective to increase public confidence in the Police Service.

## Legal Basis

- 8.11 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.
- 8.12 Article 9 of the Order requires the revocation of a Firearms Certificate if these conditions are not satisfied.
- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 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.
- 8.19 Code of Ethics for the PSNI.