
HM INSPECTORATE OF CONSTABULARY IN SCOTLAND

Review of Standing Firearms Authority for Armed Response Vehicle Crews within Police Scotland

October 2014





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HM Inspectorate of Constabulary in Scotland

HM Inspectorate of Constabulary in Scotland (HMICS) is established under the Police and Fire Reform (Scotland) Act 2012¹ and has wide-ranging powers to look into the “*state, effectiveness and efficiency*” of both the Police Service of Scotland (Police Scotland), and the Scottish Police Authority (the Authority).

We have a statutory duty to ensure that the Chief Constable and the Authority meet their obligations in terms of best value and continuous improvement. If necessary, we can be directed by Scottish Ministers to look into anything relating to the Authority or Police Scotland as they consider appropriate. We also have an established role in providing professional advice and guidance on policing in Scotland.

- Our powers allow us to do anything we consider necessary or expedient for the purposes of, or in connection with, the carrying out of our functions.
- The Authority and the Chief Constable must provide us with such assistance and co-operation as we may require to enable us to carry out our functions.
- When we publish a report, the Authority and the Chief Constable must also consider what we have found and take such measures, if any, as they think fit.
- Where we make recommendations, we will follow them up and report publicly on progress.
- We will identify good practice that can be applied across Scotland.
- We work with other inspectorates and agencies across the public sector and co-ordinate our activities to reduce the burden of inspection and avoid unnecessary duplication.
- We aim to add value and strengthen public confidence in Scottish policing and will do this through independent scrutiny and objective evidence-led reporting about what we find.

Our approach is to support Police Scotland and the Authority to deliver services that are high quality, continually improving, effective and responsive to local needs².

This assurance review was undertaken by HMICS in terms of Section 74(2) (a) of the Police and Fire Reform (Scotland) Act 2012 and is laid before the Scottish Parliament in terms of Section 79(3) of the Act.

¹ Police and Fire Reform (Scotland) Act 2012, Chapter 11

² HMICS Corporate Strategy 2014-17

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Aim of our review

The aim of this review is **to assess the current practices by Police Scotland in relation to the Standing Authority for the Issue and Carriage of Firearms³ in terms of the compliance with the relevant guidance, procedures and recognised best practice.**

Our assessment has been informed through four key questions:

- (a) Was/is the initial and current Standing Authority for Armed Response Vehicles (ARVs) justified by the information and intelligence contained within the Police Scotland Firearms Strategic Threat and Risk Assessment (FSTRA) documents and supporting intelligence products?
- (b) What were the reasons leading to the selection of overt carriage of side arms, how does this compare with arrangements elsewhere, and why is this viewed as the most appropriate option by Police Scotland?
- (c) What written deployment criteria are in place for Police Scotland ARV officers in respect of both firearms-specific and non-firearms-specific duties?
- (d) What external notification and consultation took place around the decision by Police Scotland to deploy ARV officers under the standing authority with overt carriage of side arms?

The Scottish Government set three objectives for police reform: *(i) to protect and improve local services, (ii) to create more equal access to specialist support and national capacity and (iii) to strengthen the connection between police services and communities⁴.* In conducting our review, we have taken the opportunity to reflect on the extent to which these reform objectives are being achieved in relation to armed policing.

The full terms of reference⁵ for our review and further details of our methodology has been published on our website. This complements the parallel scrutiny inquiry by the Scottish Police Authority (SPA) to consider the public impact of Police Scotland's decisions around firearms deployment.

Our review was conducted by Dr Brian Plastow and Alastair MacDonald with inspection support provided by Joanna Drapper. Executive lead was provided by the Assistant Inspector of Constabulary, Andy Cowie.

Derek Penman QPM

HM Inspector of Constabulary in Scotland

October 2014

³ College of Policing 2014, Authorised Professional Practice (APP) Armed Policing, September 2014: <http://www.app.college.police.uk/app-content/armed-policing/?s>

⁴ Police and Fire Reform (Scotland) Bill 2012 Policy Memorandum, 16 January 2012: Scottish Parliament [http://www.scottish.parliament.uk/S4_Bills/Police%20and%20Fire%20Reform%20\(Scotland\)%20Bill/Policy_Memo.pdf](http://www.scottish.parliament.uk/S4_Bills/Police%20and%20Fire%20Reform%20(Scotland)%20Bill/Policy_Memo.pdf)

⁵ For Terms of Reference visit <http://www.hmics.org/sites/default/files/publications/HMICS%20Terms%20of%20Reference%20for%20Standing%20Firearms%20Authority%20Assurance%20Review.pdf>



Key facts – Armed Policing in Scotland⁶



⁶ These key facts relate to the period 01.04.2013 - 31.03.2014 and have been sourced from published reports or information gathered from our fieldwork.



Key findings

- The recent political and public debate over armed policing in Scotland has crystallised around questions of legality, legitimacy and police accountability and highlighted the need for greater transparency and improved engagement by Police Scotland.
- In determining the need for the standing authority for ARV crews, Police Scotland has fully complied with all relevant United Kingdom armed policing guidance. The operational need for the standing authority as approved by the Chief Constable is justified by the composite assessment of national threat, risk and intelligence.
- Although the decision to grant a standing authority is an operational decision for the Chief Constable, he remains accountable for that decision to the Scottish Police Authority.
- The overt carriage of the side arm and Taser by ARV officers operating under a standing authority is the best and safest method of carriage and we endorse the decision of the Chief Constable on the grounds of operational effectiveness. More broadly, we consider that overt carriage for ARV duties promotes openness and transparency with the public.
- The procedures for ARV officer deployment to firearms-related incidents are fully compliant with the College of Policing and ACPO guidelines. Whilst there have been no written criteria for ARV officers to perform non-firearm duties, there have been sufficient operational safeguards in place.
- ARV officers consider there have been improvements in public and officer safety as a result of the new national ARV model with standing authority and overt carriage.
- Police Scotland has underestimated the community impact of its policy to allow ARV officers to attend non-firearms-related incidents and could have done more in terms of local engagement and addressing localised concerns.
- The Chief Constable has recently responded to community concerns around armed policing and we support his decision that ARV officers will only be deployed to firearms incidents or where there is a threat to life. However, we believe that ARV officers can make a positive contribution to local policing and should support local officers through attending appropriate non-firearms-related incidents. This will require deployment criteria that is understood and accepted by local communities.



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- Police Scotland has not effectively communicated the impact of its policy decision to implement a national standing authority for ARV crews, nor ensured the SPA fully understood the implications. However, we accept that much of this can be attributed to the significant pace of change around reform and the unprecedented challenge on both the Chief Constable and the SPA to transition legacy police forces into a single operational service and establish a functional authority on Day 1.
 - In terms of the three objectives of police reform, we consider that the new ARV model has protected and improved local services and has resulted in more equal access to specialist support and national capacity. However, there is still a gap in public understanding around the nature and extent of armed policing in Scotland and this issue has not strengthened the connection between police services and communities.
 - There are fewer authorised firearms officers in Scotland (AFOs) following police reform, although the geographical coverage of armed response vehicles (ARVs) has been enhanced to provide more equitable access throughout Scotland to specialist resources.



Summary of recommendations

Recommendation 1 Police Scotland and the Scottish Police Authority should engage with the College of Policing to explore options for more formal relationships and reduce the risks and ambiguity which potentially arise from the current voluntary arrangements.

Recommendation 2 A member of the Scottish Police Authority should attend future meetings of the Police Scotland Armed Policing Monitoring Group as an observer to improve transparency and provide reassurance to the Authority over any operational decision by the Chief Constable to grant a standing authority.

Recommendation 3 Police Scotland should ensure that operational policy decisions around a Standing Authority recorded in the Force FSTRA should have the supporting rationale better reflected in the document.

Recommendation 4 Police Scotland should engage with the Scottish Police Authority and relevant stakeholders in relation to its review into the modes of carriage for firearms and ensure that any changes which are likely to have an impact on public confidence are effectively communicated to Local Authorities and communities across Scotland.

Recommendation 5 Police Scotland should engage with local stakeholders to develop clear messaging around the limited nature of the standing authority and manage the local community impact from the recent change in operational practice where armed officers may still be seen responding to incidents or requests for assistance.

Recommendation 6 Police Scotland should provide clear guidance for ARV officers on how firearms should be handled when they need to leave the ARV when not responding to operational incidents. Where Police Scotland assess that this guidance may have an impact on community confidence, it should be included in any public messaging to communities.

Recommendation 7 Police Scotland and the Scottish Police Authority should re-engage with local authorities and other stakeholders and develop criteria for ARV officers to undertake non-firearm duties which are understood and accepted by local communities and allow ARV officers to meaningfully contribute to local policing priorities.

Recommendation 8 Police Scotland should adopt a comprehensive stakeholder management process for major policy changes, apply community impact assessments as a matter of course and ensure this is supported by a detailed communications plan. In particular, there should be agreement between Police Scotland and the Scottish Police Authority around how significant national policy changes are communicated in advance.



Recommendation 9 The Scottish Police Authority should engage with Police Scotland and other relevant stakeholders to consider the concept of “Operational Responsibility” and develop a shared understanding over roles, responsibilities and boundaries. This should include mechanisms to capture local authority perspectives and apply these within its wider scrutiny and governance of Police Scotland.

Recommendation 10 Police Scotland should establish suitable processes to monitor, collate and report against the number of ARV officers and work with the Scottish Police Authority and Police Investigations and Review Commissioner to consider what additional police firearms data can be made publicly available to increase transparency and improve the scrutiny of armed policing in Scotland.



Background to Armed Policing

1. The unarmed nature of everyday policing in Scotland is central to a policing style that has defined policing in Scotland and the wider United Kingdom since the early 19th century. Academic literature on the history of policing in Scotland and the broader United Kingdom confirms that ever since Robert Peel created the Metropolitan Police in 1829, the unarmed status of United Kingdom policing has been central to its core civil traditions and the “new” police were intentionally disarmed by Peel as a conscious policy of winning both public support and political legitimacy⁷.
2. The police in Scotland have had access to firearms for specific rather than general policing purposes, and in the modern era this access has been restricted to a small number of highly trained and Authorised Firearms Officers (AFOs). The tradition of unarmed policing is underpinned by the principle of “*policing by consent*” – the notion that officers owe their primary duty to those they serve, rather than to the state. This continues to the present day and contrasts with the wider international position where all major police forces in mainland Europe, as well as the United States, Canada and Australia routinely carry firearms. The notable exceptions are the Republic of Ireland and New Zealand which have adopted an armed response model similar to that of the United Kingdom.
3. Armed Response Vehicles (ARVs) were first introduced to the United Kingdom in 1977⁸ and have been operating in most Scottish Police forces for a number of years. At the point of transition to Police Scotland in April 2013, Dumfries and Galloway was the only force without an ARV capability.

⁷ Waddington, P.J. and Wright, M. (2007) Police use of force, firearms and riot control. In: T. Newburn (ed.), Handbook of Policing (2nd edn). Collomton: Willian Publishing.

⁸ Waldren, M. J. (2007) Armed Police: The Police use of Firearms since 1945. The History Press. Gloucester.



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4. The actual use and discharge of conventional firearms by the police in Scotland is exceptionally rare⁹. Where there is a need for police access to firearms, the carriage of firearms is restricted to only a small number of highly trained and specialist firearms officers and the unarmed tradition of general community policing across Scotland endures. The police use of lethal force in any democratic society marks the absolute limit to the power of the state and armed policing has quite properly been an area of political and public interest in recent years. This interest flows from a small number of high-profile police shootings out with Scotland that have generated wider debates around questions of *legality*, *legitimacy* and *police accountability* that go to the very heart of justice in any free society¹⁰. The recent political and public debate over armed policing in Scotland has arguably crystallised around these questions and highlighted the need for greater transparency and improved engagement by Police Scotland.
 5. The last assessment of armed policing in Scotland by HMICS was in 2009 through our *Thematic Inspection of Armed Policing in Scotland*¹¹.

⁹ The HMICS Thematic of Armed Policing (2009) noted that the police in Scotland had fired a total of 3 shots at persons in the 13 year period between 1997 and 2009, none of which were fatal.

<http://www.hmics.org/sites/default/files/publications/Thematic%20-%20Police%20use%20of%20Firearms.pdf>

The most recent occasion that the police in Scotland have shot a person with conventional firearms was 16 May 2009 when Strathclyde Police shot and wounded a male. Police Scotland have not fired a conventional firearm except for training purposes or the humane destruction of animals and there have been only a small number of less lethal options (baton round, Taser). See Police Investigations and Review Commissioner Website for full details.

<http://www.pirc.scotland.gov.uk/>

¹⁰ Kennison, P. and Loumansky, A. (2007). Shoot to kill: Understanding police use of force in combating suicide terrorism. *Crime, Law and Social Change*, 47: 151-68.

¹¹ HMICS, *Thematic Inspection of Armed Policing in Scotland*

<http://www.hmics.org/sites/default/files/publications/Thematic%20-%20Police%20use%20of%20Firearms.pdf>

Timeline of key events

6. The following timeline of key events and decisions provides a brief analysis of how the current debate on armed policing in Scotland has developed and provides some wider context for our review. This highlights meetings, events and documents that are relevant to the engagement between Police Scotland and the SPA.

30 November 2012	The Chief Constable considers a paper outlining proposals for Armed Policing as part of the process of reform moving towards a single police service for Scotland. The proposal advocates ARV cover nationally but contains no specific proposals in relation to weapons carriage or proposed modes of operational deployment.
03 December 2012	An ACPOS reform paper records the policy decision taken by the Chief Constable on 30 November 2012, following consideration of the Armed Policing Reform Proposal. This document states at paragraph 7.1 <i>“Currently only Strathclyde Police and Tayside Police operate under an ARV/TFU Standing Authority. On 1 April 2013 there will be a single Standing Authority to overtly arm all ARV/TFU with sidearm (self-loading pistol) and Conducted Energy Device (CED/Taser)”</i> . This paper at paragraph 2.1 states that <i>“whilst the primary role of Armed Response Vehicles (ARV) is to provide armed response the secondary role will be the provision of directed support to local policing”</i> .
19 December 2012	A briefing paper is prepared for the Chief Constable to provide a verbal planning update to the Scottish Police Authority on progress towards the single force on various matters including Armed Policing. The narrative on Armed Policing consists of a single paragraph. It contains detail of the proposed Standing Authority and the intention to overtly arm officers with the sidearm and Taser, but has no information on the proposed modes of operational deployment or what directed support to local policing will consist of. The Board meeting was held but the minutes show no record of any item in relation to armed policing being brought forwards for discussion.



23 December 2012	The <i>Scotsman</i> publishes an article entitled “ <i>Armed Police to Patrol all of Scotland</i> ” ¹² following an interview with DCC (Crime & Operational Support). Although lacking substantive detail of the proposed operational model, the report appeared to cite broader political support for the policy.
14 March 2013	The Police Reform team ¹³ produces a paper entitled “ <i>Police Scotland – Statement of Operational Readiness for Day 1</i> ” where paragraph 5.9 states: “ <i>work is therefore well underway and on track in terms of Armed Policing provision for Day 1 when a standing authority for Armed Response Vehicles (ARV), Tactical Firearms Unit (TFU), airport coverage and other policing operations will be implemented</i> ” ¹⁴ . The report to the SPA covered a broad spectrum of strategic policing issues but contained no specific information on the proposed mode of operational deployment for ARV officers operating under the standing authority in respect of directed support to local policing. While the paper referenced the standing authority, it was not explicit that officers would overtly carry side arms.
22 March 2013	An SPA Board meeting takes place in Dundee where at Item 8 the Board are able to consider the Police Scotland – Statement of Operational Readiness for Day 1. The SPA minutes of the meeting indicate that there were no specific discussions in relation to armed policing but show that the Police Scotland - Statement of Operational Readiness for Day 1 was tabled.
27 March 2013	A briefing day for SPA Board Members is held in relation to the imminent “go-live” of Police Scotland. This includes a presentation on the proposed Police Scotland armed policing model delivered by DCC (Crime & Operational Support) and ACC (Operational Support) with opportunities for questions.
28 March 2013	An SPA Board meeting takes place in Glasgow. Police Scotland give an update on Day 1 readiness but the minutes show no discussion on armed policing.
01 April 2013	Police Scotland comes into effect and the new Armed Policing model is introduced.

¹² Armed Police to Patrol all of Scotland, The Scotsman: 23 December 2012:

<http://www.scotsman.com/news/armed-police-to-patrol-all-of-scotland-1-2704945>

¹³ The Police Reform Team was established prior to the formation of Police Scotland to plan and prepare for the transition to a single service and in particular Day 1 readiness.

¹⁴ Scottish Police Authority: <http://www.spa.police.uk/assets/126884/140136/item08-policescotlandopreadiness>



30 April 2013	Police Scotland produced its initial Firearms Strategic Threat and Risk Assessment Document (FSTRA version 1.1). Pages 68 to 71 contain the record of the Standing Authority for ARVs. The standing authority was signed by ACC (Operational Support) on 6 March 2013 and an addendum dated 18 April 2013 confirms review by the Chief Constable.
04 June 2013	A further briefing day for SPA Board Members is held at the Scottish Police College to facilitate members who could not attend the March event. This again includes a presentation on the proposed Police Scotland armed policing model delivered by DCC (Crime & Operational Support) and ACC (Operational Support) with opportunities for questions.
05 August 2013	Meeting of Police Scotland Armed Policing Monitoring Group. Item 18 records the review of the ARV standing authority and that it should remain in place.
15 November 2013	Police Scotland hosted a briefing day for SPA members at the Training and Recruitment Centre, East Kilbride, which included a demonstration of armed policing capabilities. Five SPA members attended this briefing.
20 January 2014	Meeting of Police Scotland Armed Policing Monitoring Group. Item 18 records the review of the ARV standing authority and that it should remain in place.
31 March 2014	Police Scotland has been in operation for 1 full year. During this period no political concerns have been raised about Armed Policing. There has been one official complaint made to Police Scotland in relation to firearms which is unrelated to the standing authority or overt carriage.
30 April 2014	Police Scotland updates the Firearms Strategic Threat and Risk Assessment for the period 01 April 2014 to 31 March 2015 (version 1.1). Pages 69 to 73 have a record of the Standing Authority for ARVs. The standing authority is signed by ACC (Operational Support) on 18 April 2014 and an addendum states that it was subsequently reviewed at the Armed Police Monitoring Group on 8 May 2014.
08 May 2014	Police Scotland Armed Policing Monitoring Group conducts a review of the ARV standing authority. Item 18 records the review of the ARV standing authority and that it should remain in place.



12 May 2014	Debates around armed policing first came to the political fore when concerns in the highlands were reported through the media ¹⁵ . This developed into substantial media coverage over the summer months and prompted significant local and national political interest including a number of complaints made to Police Scotland ¹⁶ .
25 June 2014	At the 25 June Board meeting of the Scottish Police Authority, the Chief Constable gave a report on the Standing Firearms Authority ¹⁷ . The report explained that the decision to implement the standing authority for ARV crews had been taken by the Chief Constable and was based on a number of factors, including the proportionality of any authority, the need to deliver equity of specialist resources throughout the country and a range of prevailing intelligence and threat assessments.
22 July 2014	Police Scotland invites HMICS to provide an independent assurance role over the next quarterly review of the Standing Authority for the Issue and Carriage of Firearms. This review is scheduled for 16 September 2014 and provides an opportunity for HMICS to make an objective professional assessment that the operational decision making by Police Scotland has followed the relevant guidance and that any conclusion is supported by the prevailing threat, risk and available intelligence.
23 July 2014	The SPA issues a position statement acknowledging the political and public concerns, particularly in the north of Scotland, and observed that an ongoing process of engagement was required to address them.

¹⁵ Highlands Row over Armed Police, *Herald Scotland*, 12 May 2013:

<http://www.heraldsotland.com/news/home-news/highlands-row-over-armed-police.24188744>

¹⁶ 23 Complaints against the Police about armed policing had been received between 12 May and 30 September 2014.

¹⁷ 25 June 2014 meeting of SPA Board, item 19, paragraph 2.14: <http://www.spa.police.uk/assets/126884/232805/item19>



05 August 2014	The Cabinet Secretary for Justice makes a statement to the Scottish Parliament on Armed Policing. The statement announced an agreement with the Chief Constable to provide quarterly reports to the Scottish Police Authority and the Parliamentary Justice Sub-Committee on Policing on the number of ARV officers deployed on firearms duties. An additional measure was agreed that should the number of ARV officers deployed on firearms duties routinely exceed 2% of the total numbers of officers in Scotland, then the Chief Constable will notify the Scottish Police Authority and the Cabinet Secretary for Justice. This statement included a commitment from HMICS to provide assurance over the Standing Authority and that our report would be published and made available to Parliament.
11 August 2014	HMICS meets with members and officers of the Scottish Police Authority to brief them on the proposed terms of reference. Following discussion, HMICS agrees to broaden its terms of reference to include consideration of how authorised firearms officers are deployed on regular patrols and tasks, and the extent to which wider community impact has been incorporated into the Police Scotland's decision-making process. The SPA requested that HMICS examine the external notifications and consultation undertaken by Police Scotland in relation to its decision around armed policing.
14 August 2014	HMICS ¹⁸ and SPA ¹⁹ issue joint statement announcing HMICS Assurance Review and SPA Scrutiny Inquiry into armed policing.
15 August 2014	Police Scotland hosted a briefing day for SPA members at the Training and Recruitment Centre, East Kilbride, which included a demonstration of armed policing capabilities. Nine SPA members attended this event. HMICS also attended this briefing, which was in response to concerns raised by the SPA over the standing authority. This briefing included an explanation on the standing authority and demonstrated modes of carriage.

¹⁸ <http://www.hmics.org/publications/joint-press-release-hmics-and-spa-complementary-review-police-scotland-standing>

¹⁹ <http://www.spa.police.uk/news/2014/232066/240283/>



21 August 2014	HMICS and the SPA give evidence before the Scottish Parliament Justice Sub-Committee on Policing where the terms of reference for the HMICS Assurance Review and SPA Scrutiny Inquiry were discussed. The evidence session can be viewed on the Scottish Parliament website ²⁰ .
22 August 2014	HMICS initiates review activity and obtains key documentation from Police Scotland, including the latest version of the FSTRA.
16 September 2014	HMICS observes at the Police Scotland Firearms Monitoring Group where the ARV Standing Authority is reviewed. Item 18 records the review of the ARV standing authority and that it should remain in place.
22 September 2014	SPA calls for evidence on armed policing inviting a wide range of interested parties to submit views and provide evidence to inform its scrutiny inquiry ²¹ .
25 September	SPA issue an updated Position Statement on the Firearms Standing Authority ²² .
01 October 2014	Police Scotland releases a statement to the media confirming that whilst the standing authority would remain in place, the Chief Constable had listened to the significant public and political concerns on this issue and had determined that ARV officers would now no longer be “deployed” to non-firearms-related duties in Scotland unless there was an immediate threat to life. Police Scotland also announced that it was to conduct a further review on Tasers and also how armed officers should be deployed when they are not required for specialist firearms incidents.
07 October 2014	The SPA issues a statement on Armed Policing acknowledging the change in operational practice from Police Scotland. Chair provides comment in relation to the “operational independence” of the Chief Constable.

²⁰ Scottish Parliament Website (2014) <http://www.scottishparliament.tv/category.aspx?id=22>

²¹ <http://www.spa.police.uk/news/2014/september/247707/>

²² <http://www.spa.police.uk/news/2014/232062/237352/>

Is the Standing Authority justified?

7. Our first question was to determine whether the initial and current Standing Authority for Armed Response Vehicles was justified by the information and intelligence contained within the Police Scotland Firearms Strategic Threat and Risk Assessments (FSTRA) and supporting intelligence products. As part of this assessment, we also took the opportunity to examine the FSTRA documents for all of the legacy forces in Scotland. **This question essentially addresses the key issue of whether a small number of specialist firearms officers across Scotland need to have immediate access to firearms.**
8. The police use of firearms is governed by Section 55 of The Firearms Act 1968, which provides the legal basis in the United Kingdom for the lawful possession of firearms by police officers in the “Exercise of Police Functions”. This gives legal authority to Chief Constables for the police use of firearms within their respective police force areas.
9. The management, command and deployment of armed police officers in the United Kingdom are regulated by the *College of Policing Authorised Professional Practice (APP) – Armed Policing* document published on 18 January 2013²³. The APP is produced on behalf of the Association of Chief Police Officers (ACPO). It describes the legal framework within which firearms may be deployed by police. It is managed and updated by the College of Policing²⁴, who license all United Kingdom forces to deliver firearms training based upon this and the guidance outlined within the United Kingdom *National Police Firearms Training Curriculum (NPFTC)*. ACPO provides the professional lead in the development of APP and maintains an Armed Policing Secretariat. The ACPO lead for Armed Policing in the United Kingdom is currently the Deputy Chief Constable, Civil Nuclear Constabulary, who has considerable experience and expertise in this field.

²³ College of Policing APP for Armed Policing: <http://www.app.college.police.uk/app-content/armed-policing/?s=>

²⁴ College of Policing – see <http://www.college.police.uk/>



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10. Police Scotland engages with the College of Policing on a voluntary rather than statutory basis. This reflects the current Home Office funding arrangements for the College and the devolved nature of policing in Scotland as well as the fact that both the College and Police Scotland are still relatively new organisations. While Police Scotland voluntarily adhere to the United Kingdom armed policing guidance and licensing processes, we believe the relationship with the College would benefit from being more formalised. The College recognises the strength of the existing relationships with Police Scotland and is interested in developing these further. There is currently no formal engagement between the College of Policing and the Scottish Police Authority. Further details of the roles and relationship between ACPO Armed Policing and the College of Policing are contained within **Appendix 1**.
 11. We acknowledge the value provided by the College of Police and ACPO in establishing authorised professional practice across a range of policing activities and consider that the creation of standards are essential in supporting interoperability and mutual-aid across the United Kingdom. We consider it important that Police Scotland participate fully and influence the development of authorised policing practice within the United Kingdom and benefit from the efficiencies and effectiveness these arrangements bring. It would not be beneficial for Police Scotland to develop its own professional practice or standards in isolation and there needs to be independent oversight of the licensing and accreditation of armed policing. We equally recognise the value in United Kingdom authorised professional practice across the range of specialist policing activities and support the establishment of agreed national standards against which we can inspect Police Scotland as part of our ongoing scrutiny role.
 12. The licensing and independent assurance role provided by the College of Policing goes some way to addresses the legality, legitimacy and police accountability issues arising from armed policing and strengthens the scrutiny and governance arrangements by the Scottish Police Authority. We recognise the governance arrangements for the College of Policing are informed by the current Home Office funding arrangements, and do not currently allow formal representation from Police Scotland or the Scottish Police Authority. However, we believe that Police Scotland and the Scottish Police Authority should engage with the College of Policing to explore options for more formalised relationships. We believe this would eliminate the risks and ambiguity which potentially arise from the current voluntary engagement and deliver benefits for policing in Scotland and the wider United Kingdom.
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Recommendation 1: Police Scotland and the Scottish Police Authority should engage with the College of Policing to explore options for more formal relationships and reduce the risks and ambiguity which potentially arise from the current voluntary arrangements.

13. In terms of the *College of Policing Authorised Professional Practice (APP) – Armed Policing* document, trained police firearms officers are given authority to *carry* firearms in response to a particular operational incident requiring an armed response capability. This requires the authority of an appropriately trained and accredited senior officer. However, the APP also provides that a “*standing authority*” for the issue of firearms may be provided by a chief officer to firearms officers engaged in specific duties where a threat and risk assessment deems this appropriate, such as crewing an ARV. The continuing need for a standing authority should be reviewed on a regular basis, at least annually in line with the *Force Strategic Firearms Threat and Risk Assessment (FSTRA)*.
14. Forces are required to produce an annual Firearms Strategic Threat and Risk Assessment. The FSTRA should be reviewed at least every 6 months, but as a living document it should be monitored, reviewed and updated on a regular basis to ensure that it remains current²⁵. The purpose of the FSTRA is to establish the operational requirements for the police use of firearms and less lethal options within the force. The FSTRA enables decisions to be made with regard to the appropriate firearms deployment profile across the force; firearms capability, firearms policy and training, future demands and threats. The FSTRA should be a standing item at each meeting of the force Armed Policing Monitoring Group.

²⁵ College of Policing (2013): *Strategic threat and risk assessment (STRA)* [Internet].
<http://www.app.college.police.uk/app-content/armed-policing/armed-policing-strategic-threat-and-risk-assessment-stra/>
[Accessed 25 July 2014]



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15. In conducting our assessment of whether the initial and current Standing Authority for Armed Response Vehicles was justified, we:
- Examined the FSTRA documents from legacy forces
 - Examined the initial FSTRA dated 20 April 2013 for Police Scotland
 - Examined the current FSTRA dated 30 April 2014 for Police Scotland
 - Examined the ACPO FSTRA Guide, 2013
 - Examined a range of related intelligence materials and analytical products
 - Received a private briefing on current United Kingdom national threats
 - Engaged with ACPO Armed Policing and the College of Policing
 - Examined United Kingdom national guidance documents
 - Reviewed and assessed Police Scotland policies, procedures and deployments for ARV officers operating under the standing authority
 - Conducted benchmarking activity with a selection of United Kingdom forces
 - Conducted a range of interviews and focus groups with key individuals
 - Sought the views of the Scottish Police Federation (SPF), and Association of Scottish Police Superintendents (ASPS),
 - Reviewed authorised firearms establishment noting that there are fewer authorised firearms officers (AFOs) than there were under legacy arrangements
 - Observed at the September 2014 meeting of the Armed Police Monitoring Group.
16. From examination of the eight legacy Force FSTRA documents in existence prior to Police Scotland, we noted there were significant variations in the style, content and depth of analytical and intelligence products. This resonates with our earlier 2009 Thematic Inspection of Armed Policing where we found considerable disparity in the content and analysis of information in individual force FSTRA documents²⁶. Different models were in operation, as summarised in the following table:

²⁶ HMICS Thematic Inspection of Armed Policing (2009):
<http://www.hmics.org/sites/default/files/publications/Thematic%20-%20Police%20use%20of%20Firearms.pdf>



Figure No 1: Legacy force ARV models

Force	ARV	Standing Authority	Model	Weapons
Central Scotland	Yes	No	Dual road policing	In vehicle safe
Dumfries	No	N/A	N/A	N/A
Fife	Yes	No	Dual road policing	In vehicle safe
Grampian	Yes	No	Dual road policing	In vehicle safe
Lothian & Borders	Yes	No	ARV only	In vehicle safe
Northern ²⁷	Yes	Yes	Dual road policing	Overt carriage
Strathclyde	Yes	Yes	ARV only	Overt carriage
Tayside	Yes	Yes	Dual road policing	Covert carriage

17. The practical effect of these varied legacy models was that the routine tasking and visibility of armed officers varied widely across Scotland. While most legacy forces had an ARV capability for a number of years; with the exception of the legacy Strathclyde Police area, many communities would not have been aware of ARV officers in their areas nor seen officers carrying firearms. This has been a contributory factor to the subsequent community impact arising from the decision by Police Scotland to implement a force-wide standing authority.
18. A key aim of Police Reform was to create more equal access to specialist support and national capacity, and the move to a single service presented an early opportunity for Police Scotland to implement a national solution for armed policing. As highlighted in the Timeline of Key Events above, the Chief Constable of Police Scotland considered proposals for armed policing as part of the structural design of the new service. On 30 November 2012, he made a policy decision that at the commencement of Police Scotland there would be a single Standing Authority to overtly arm all ARV officers with a sidearm (self-loading pistol) and Conducted Energy Device (Taser). This policy recognised that whilst the primary role of the ARV was to provide armed response, the secondary role would be the provision of directed support to local policing.

²⁷ Northern Constabulary granted a standing authority on 01 March 2013 as part of the transition to Police Scotland. Prior to this it operated a dual role ARV without standing authority and weapons in vehicle safe.



19. As part of our benchmarking activity, we confirmed that with the exception of only one police force in the United Kingdom, every other force currently has a standing authority in place for ARVs. We found that overt carriage of the sidearm is the most common method of carriage for ARV officers, although there are variations across the United Kingdom in terms of operational deployment models. Some forces have ARVs conducting solely firearms duties, while others operate dual role or hybrid models providing secondary support to local policing activities.
20. Although the decision by the Chief Constable to move to a standing authority was made as part of the structural design proposals for the new service, the APP guidance requires that any such decision is founded on an assessment of the FSTRA. At the time of making this decision, the Chief Constable and Police Reform Team²⁸ were in possession of the eight legacy FSTRAs. We found evidence that these were used to inform this decision. A review of the available records reveal that the initial Standing Authority for Police Scotland was signed by the Assistant Chief Constable (Operational Support) on 6 March 2013 and an addendum dated 18 April 2013 confirms a review by the Chief Constable.
21. On 30 April 2013, Police Scotland produced an initial national FSTRA. This was the first opportunity to draw the eight legacy FSTRA documents into a single national document, drawing on all of the available police information and intelligence on threat, risk and harm from across various legacy force systems. This created a holistic national assessment of the levels of threat, harm and risk facing Scottish communities both from within Scotland and elsewhere. Whilst legacy threat levels may not have changed substantially at the point of transition to Police Scotland, the synergy provided through new national policing structures and information management processes resulted in the opportunity to create a national FSTRA that in terms of the richness of data was greater than the sum of its legacy parts.
22. The APP requires that a Standing Authority should be reviewed by the force annually, although Police Scotland has stated publicly that it will be reviewed quarterly²⁹. Armed policing issues are governed internally by Police Scotland through its Armed Police Monitoring Group. This group met on 5 August 2013 and again on 20 January 2014, where the Standing Authority was reviewed and a recommendation made that it should remain in place.

²⁸ The Police Reform Team was established prior to the formation of Police Scotland to plan and prepare for the transition to a single service and in particular Day 1 readiness

²⁹ <http://www.scotland.police.uk/about-us/police-scotland/armed-policing/armed-policing-in-scotland>



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23. On 30 April 2014, Police Scotland produced its current Firearms Strategic Threat and Risk Assessment covering the period 1 April 2014 to 31 March 2015. This document contains a record of the Standing Authority and indicates that this was signed by the Assistant Chief Constable (Operational Support) on 18 April 2014.
 24. On 8 May 2014, Police Scotland Armed Policing Monitoring Group met and conducted a review of the ARV standing authority. This meeting was chaired by the Assistant Chief Constable (Operational Support) and having considered the FSTRA, he made a recommendation that the ARV standing authority would remain in place. The FSTRA was duly updated to reflect the fact that the Standing Authority had been reviewed at this meeting.
 25. On 16 September 2014, the Police Scotland Armed Policing Monitoring Group met again to review the Standing Authority. The Assistant Inspector of Constabulary observed at this meeting, which was chaired by the Assistant Chief Constable (Operational Support) and included the ACPO Armed Policing Lead and key representatives from Police Scotland. The Scottish Police Federation (SPF), and the Association of Scottish Police Superintendents (ASPS) also attended this meeting. From our observations at this meeting we found that due consideration was given to all relevant matters and that decisions taken in relation to firearms, including the standing authority followed all relevant professional guidance. The decision was also informed by the need to deliver equal access to specialist resources across the country as well as the mutual reliance and inter-operability of ARV crews in different parts of Scotland.
 26. The Police Scotland Armed Policing Monitoring Group is pivotal in assessing whether the Standing Authority for ARV is justified by the information and intelligence contained within the Police Scotland FSTRAs and supporting intelligence products. Due to the sensitive nature of this information, it is necessary that this meeting takes place privately and that those who attend have sufficient security clearance. However, given the legitimate public interest in armed policing and as a means to strengthen accountability, we consider there would be benefit in having a suitably vetted member of the Scottish Police Authority attend this meeting as an observer. This would improve transparency and allow this member to provide independent assurance to the Authority over any operational decision by the Chief Constable to grant a standing authority.
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Recommendation 2: A member of the Scottish Police Authority should attend future meetings of the Police Scotland Armed Policing Monitoring Group as an observer to improve transparency and provide assurance to the Authority over any operational decision by the Chief Constable to grant a standing authority.

27. As part of our assessment, we have some observations to make in relation to the recording of operational policing policy decisions by Police Scotland. In reviewing the initial Police Scotland FSTRA for 2013, we noted that it properly referenced full consideration of the former legacy force FSTRA information, and that the document contained a record of the decision around the ARV Standing Authority as previously determined necessary by the Chief Constable on 30 November, 2012. However, in both the Police Reform Programme record of the initial policy decision by the Chief Constable, and subsequent initial FSTRA document, the supporting rationale for the decision is not fully set out.
28. In 2013, the College of Policing produced a document entitled Armed Policing Strategic Threat and Risk Assessment Guide. This best practice guidance in relation to the decisions flowing from the FSTRA states that the *“ACC nominated by the Owner [Chief Constable] should include (a) the decisions they have made on the basis of the information contained in the Strategic Threat and Risk Assessment, and (b) their rationale for those decisions”*. Whilst we noted that the rationale was more clearly reflected in the current Police Scotland FSTRA for 2014; we believe that more detail should be given to explain the thinking behind operational policing decisions in key strategic documents.

Recommendation 3: Police Scotland should ensure that operational policy decisions around a Standing Authority recorded in the Force FSTRA should have the supporting rationale better reflected.



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29. Our conclusion is that in determining the need for the Standing Authority for ARV crews in both the initial Police Scotland FSTRA in 2013, and current FSTRA in 2014, Police Scotland has fully complied with all relevant United Kingdom national armed policing guidance. We also conclude that the operational need for the Standing Authority as approved by the Chief Constable is justified by the composite assessment of national threat, risk and intelligence. Although the decision to grant a Standing Authority is an operational decision for the Chief Constable of Police Scotland, he remains accountable for that decision to the Scottish Police Authority.

What are the reasons for overt carriage of the side arm?

30. Our second question was to determine the reasons why Police Scotland elected for overt visible carriage of side arms by ARV officers operating under the standing authority and how this practice compares with other forces across the United Kingdom. This essentially builds on our previous question of whether a small number of specialist firearms officers across Scotland need to have immediate access to firearms, and asks the next question – **Assuming the standing authority is justified, how should officers carry firearms to effectively address the identified threat, harm and risk?**
31. The College of Policing provides guidance on the Operational Carriage of Firearms³⁰, which states that:
- The Standing authority for ARV officers should set out whether they patrol overtly armed, or with weapons retained in secured arms cabinets in the ARV.
 - Force standard operating practice should also specify which weapons and related equipment are carried in an ARV.
32. The decision and timeline for the Police Scotland Standing Authority is outlined in the previous section of this report. In terms of compliance with this guidance, a documented decision was taken by the Chief Constable which states that *“On 1 April 2013 there will be a single Standing Authority to overtly arm all ARV/TFU with sidearm (self-loading pistol) and Conducted Energy Device (CED/Taser)”*.
33. As discussed in the previous section, the operational requirement of the Police Scotland Standing Authority is to allow ARV officers to have *immediate access* to a side arm, (handgun) and less lethal weapon (Taser). Importantly, it is an authority to “carry” the weapons and not an authority to draw them, except in response to an incident where there is an immediate need to protect life. For all other firearms operations, weapons cannot be drawn without the authority of a trained and accredited senior officer undertaking the role of Firearms Commander. Other weapons are carried within a secure safe within the ARV, which require the direct authorisation of a Firearms Commander before ARV officers can access them.

³⁰ College of Policing (2013) : Issue and carriage of firearms [Internet].
<http://www.app.college.police.uk/app-content/armed-policing/issue-and-carriage-of-firearms/>



34. Under a Standing Authority, the handgun and Taser can be carried by officer in a number of ways:

- Overtly, so that they can both be seen;
- Covertly, so that both are concealed;
- Discreetly, where each is in a covered pouch or holster.

Obviously, there can also be a number of combinations of these modes of carriage between the handgun and the Taser.

35. It is possible for both the handgun and Taser to be stored securely by ARV officers within the vehicle safe under a Standing Authority and removed by them when required. However, this negates the operational effectiveness of the current standing authority as it does not give ARV officers immediate access to firearms and defeats the intended purpose of providing them with the capability of responding to incidents where there is an immediate need to protect life.

36. During our review we interviewed ARV officers throughout Scotland and also the Chief Firearms Instructor for Police Scotland. We heard evidence from these officers of the many improvements in public and officer safety delivered through the new national ARV model with the standing authority and overt carriage. It was clear that some ARV officers who did not previously have immediate access to the side arm felt that legacy armed policing models were detrimental to public and officer safety.

37. A graphic illustration of the operational effectiveness of a standing authority with overt carriage of the side arm can be seen from the terrorist attack in Woolwich in December 2013. In this case, a police ARV crew responding to the murder of British soldier, Lee Rigby, was attacked by two terrorists in possession of a handgun and meat cleaver. The video footage of the incident is widely available on the internet and shows the attackers running at the ARV and of one of the suspects being shot from the vehicle at close range as he was about to attack the driver. This serves to illustrate the operational need for ARV officers to be able to provide an immediate armed response to spontaneous incidents and have the capability to protect themselves and the weaponry secured within their vehicle.



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38. ACPO Armed Policing conducted a survey of United Kingdom forces on our behalf and from those forces which responded, we found that overt carriage of the handgun and Taser is the most common method of carriage for ARV crews operating under a Standing Authority. Immediately prior to the introduction of Police Scotland, there were three legacy forces with a standing authority. Both Strathclyde Police and Northern Constabulary had elected for overt carriage of the handgun, whereas Tayside Police had elected for covert carriage.
 39. Police Scotland elected for overt carriage of the handgun on the basis of operational effectiveness and safety. The overt carriage of the side arm allows officers to use a “side-draw” to remove the handgun from the holster. This is considered a safer working system by Police Scotland than weapons carried covertly. Side-carriage also leaves the chest area free for carriage of Taser and ballistic protection.
 40. In terms of the handgun, Police Scotland uses the Glock 17 pistol. This is the most widely used law enforcement handgun in the world due to its ease of use and inherent safety features. The manufacturers’ specification includes three integrated safety systems to prevent accidental discharge, which includes an external safety trigger mechanism and two automatic internal safety systems. The code of Practice on Firearms and Less Lethal Weapons provides that Chief Officers can decide on the weapons used by their force, based on their threat and risk and operational requirements.
 41. In terms of the less-lethal option, Police Scotland uses a Taser, or conductive electrical device. Tasers affords a less-lethal option in circumstances where a dangerous subject might otherwise have been subjected to conventional firearms. Importantly, only trained police Firearms Officers in Scotland carry the Taser whilst carrying a primary weapon. Therefore, all ARV officers operating under a standing authority in Scotland have immediate access to a less lethal option.



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42. The use of the Glock 17 and Taser and related safe systems of working are trained through the United Kingdom *National Police Firearms Training Curriculum* (NPFTC), operated through the College of Policing. The detail of the curriculum is restricted to the police service but it has been developed within a framework of integrated modules and units that together represents a complete programme of nationally accredited firearms training. It provides:
- consistency and standardisation across the range of training activities
 - a framework for continuous professional development
 - standardised national procedures and terminology for police use of firearms and related activities
 - the promulgation of effective practice in response to lessons learnt
 - the basis for a professional register of practitioners and managers
 - a basis for the development of national, regional and local role profiles.
43. The College of Policing guidance on the Operational Carriage of Firearms³¹, states:
- It is the responsibility of each Authorised Firearms Officer (AFO), to whom a firearm has been issued to ensure that the weapon is operating correctly. Weapon function checks, including safety precautions should be completed before any firearm is loaded.
 - When a firearm is to be carried in a holster, it is important that any retention mechanisms, including lanyards (where issued), are fitted properly and are in working order. Similarly, where slings are issued for particular types of weapons they should be fitted correctly.
 - Firearms should be loaded and carried in accordance with force standard operating practice relevant to each weapon.
44. In addition to the physical retention mechanisms fitted to weapons, all armed officers are specifically trained in weapon retention techniques. This is relevant where firearms are overtly carried by ARV officers and reduces the risk of weapons being taken from officers or negligently discharged. We are satisfied that Police Scotland has followed the relevant guidance and training for the carriage of firearms and that the overt carriage of a side arm represents an acceptable risk to public and officer safety.

³¹ College of Policing (2013): Issue and carriage of firearms [Internet].
<http://www.app.college.police.uk/app-content/armed-policing/issue-and-carriage-of-firearms/>



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45. We asked ARV officers to demonstrate and explain to us various safe systems of working, as we sought to fully understand the advantages of the standing authority and overt carriage by comparison with the situation in some legacy forces where weapons were kept in the vehicle armoury. From this, we learned that the former practices required officers firstly to find a safe and discreet place to stop the vehicle to put on protective equipment such as the ballistic vest. They would then have to load and make safe or ready, a minimum of two weapons systems (handgun and Taser) and depending on the actual nature of the call, potentially a further two weapons systems (baton gun and/or carbine).
 46. We noted that the safe systems of working for such weapons contained a number of individual loading and unloading drills which in some cases had up to 20 individual steps designed to minimise the risk of accidental discharge. This entire process could take typically between 5 and 10 minutes and sometimes more, depending on the proximity of the vehicle to a safe place to stop and arm-up. Under the current arrangements, weapons are pre-loaded in a safe environment prior to the officers going on patrol. This involves United Kingdom nationally approved safe systems of working where all loading and unloading is supervised with ballistic protection to mitigate the risk of accidental discharge. We are satisfied that the overt carriage offers a number of operational and safety advantages.
 47. During our engagement with ARV officers we found that there were some geographic variations in officer safety equipment, which was due to legacy force procurement. However, all equipment in use is approved for police use and we make no recommendations on this as Police Scotland has already commissioned an equipment review with a view to standardisation across the force.



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48. In addition to the operational effectiveness and safety advantages of overt carriage, we believe this method promotes greater openness and transparency for communities. Whilst covert carriage would reduce the likelihood of the public being aware that officers were in possession of firearms and potentially reduce the community impact of any standing authority, we believe that the given current level of public interest in the police use of firearms, any change to covert carriage would more likely increase concern and impact on public confidence. We are aware that Police Scotland has committed to reviewing options for the carriage of firearms and will consider more discrete methods which maintain the operational effectiveness and safety advantages of overt carriage. We welcome the review by Police Scotland. We would urge Police Scotland to engage with the Scottish Police Authority and relevant stakeholders in relation to this review and ensure that any changes in the carriage of firearms which are likely to have an impact on public confidence are effectively communicated to Local Authorities and communities across Scotland.

Recommendation 4: Police Scotland should engage with the Scottish Police Authority and relevant stakeholders in relation to its ongoing review into the modes of carriage for firearms and ensure that any changes which are likely to have an impact on public confidence are effectively communicated to Local Authorities and communities across Scotland.

49. Our conclusion is that the overt carriage of the side arm and Taser by ARV officers operating under a Standing Authority is the best and safest method of carriage and we endorse the decision of the Chief Constable on the grounds of operational effectiveness. More broadly, we consider that overt carriage for ARV duties promotes openness and transparency with the public.

What written deployment criteria are in place?

50. Our third question was to determine what written deployment criteria has been put in place by Police Scotland and what procedures and safeguards exist around the tasking of ARV officers operating under a standing authority. We were particularly interested in what criteria exists for ARV officers in relation to attending non-firearms-related calls and how this compares with other forces across the United Kingdom. This essentially builds on our previous two questions and is arguably the most relevant issue given the current public and political debate around armed policing. **Accepting the standing authority is justified and officers need to have immediate access to firearms; should these officers be dedicated solely to firearms duties or should they perform other duties in support of local policing? This question is linked to the issue of community impact which was of particular interest to the SPA who requested that it be included in our terms of reference.**
51. As part of our review, we have examined the guidance produced by the College of Policing, Police Scotland Standard Operating Procedure and have spoken to ARV officers across Scotland and their commanders.
52. The College of Policing publishes and maintains an index of *Authorised Professional Practice* (APP) which includes guidance on Armed Policing³². The Armed Policing module provides:
- Guidance on the appropriate issue and use of firearms and related less lethal options within the police service.
 - 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.
 - Guidance on command structures, tactical options and operational issues associated with the deployment of Authorised Firearms Officers (AFOs).
53. Although the APP provides rigorous procedures for the use of police firearms, it is recognised that situations involving the deployment of AFOs, by their very nature, can involve a set of circumstances which are constantly evolving. Nothing within APP Armed Policing is intended to restrict police officers from taking innovative action to effectively resolve incidents in ways which are not included in this guidance.

³² College of Policing APP for Armed Policing: <http://www.app.college.police.uk/app-content/armed-policing/?s=>



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54. Police Scotland has a Standard Operating Procedure (SOP) for armed policing operations³³. The document clearly states all firearms policy and practice will be in accordance with ACPO Authorised Professional Practice. During assigned deployment to any type of incident, ARV teams are closely directed by a hierarchy of qualified and accredited firearms commanders. We are satisfied that command and control procedures for ARV officer deployment to firearms-related incidents are compliant with the College of Policing and ACPO guidelines.
55. In terms of non-firearms-related incidents, the SOP requires ARV officers to remove their loaded handgun when attending armed police training premises or an external training venue and provides that firearms will not be taken to court buildings by AFOs cited as witnesses. The SOP is otherwise silent in relation to the criteria for ARV officers when not engaged in specific firearms-related work.
56. We have seen an internal police reform memorandum to the Assistant Chief Constable (Operational Support), dated 5 February 2013 on the proposed operational deployment of routinely armed officers at the commencement of Police Scotland. This discusses the deployment of ARV officers supporting territorial policing, whilst operating under the Standing Authority. The memorandum refers to the experience of the legacy Strathclyde Police, who had introduced a standing authority for ARV operations on 4 February 2008 and states:

“To date it has not been necessary to issue explicit guidance to routinely armed officers in respect of what types of non-firearms incidents they may or may not attend. Instructions have been issued that do not allow prisoners to be transported within the ARV. Armed officers have been permitted to use their ‘common sense’ when assessing whether an incident is suitable for them to attend or not, as the case may be. Professional experiences in Strathclyde have demonstrated that armed officers will make informed decisions in respect of this matter and no concerns have been raised in respect of the integrity of their weaponry or public perception.”

³³ For the purposes of our Review we have examined Version 1.1 published on 29 March 2013



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57. We note that the conclusions in this memorandum are solely informed by the legacy Strathclyde Police experience and there is no reference to the experience of other legacy forces across Scotland. There does not seem to have been any consideration taken of the changing roles of the legacy ARV arrangements, where, with the exception of legacy Strathclyde³⁴, many communities would not have been aware of ARV officers policing their areas nor seen officers carrying firearms. It could perhaps have been anticipated that the lower volume of firearms-related incidents outwith areas of high population in Scotland would provide greater opportunities for non-firearms-related tasking and would result in greater visibility of AFO officers with side arms apparently undertaking routine operational duties.
 58. We consider there was an over-reliance by Police Scotland on the experience of legacy Strathclyde Police in implementing the Standing Authority and insufficient consideration of the community impact in allowing armed officers to attend non-firearms incidents without specific deployment criteria. We consider this and a lack of community engagement to be the major factor in generating localised concerns around armed policing.
 59. Our interviews with Divisional Commanders identified different local responses, as well as different handling approaches. We note that in the legacy Dumfries & Galloway area, a concerted stakeholder management effort by the Divisional Commander seems to have had effective results at the time of the policy introduction.
 60. Interviews with Police Scotland ARV officers and commanders has confirmed that although Police Scotland has no specific criteria for ARV performing non-firearms duties, systems and processes are in place for the daily tasking of ARV crews by Operational Support Division. We found that a designated Superintendent from Contact, Command and Control (C3) Division oversees all incidents attended by ARV crews on a daily basis and that he and the Firearms Superintendent would jointly review all deployments to ensure that all had been appropriately managed.

³⁴ Legacy Northern Constabulary introduced a Standing Authority with overt carriage on 1 March 2013, which was only 4 weeks prior to Police Scotland.



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61. Police Scotland has been clear on the website FAQ that armed officers are “*police officers first and foremost*”. When not deployed in specialist roles, armed officers were expected to support their local policing colleagues and were deployed on regular patrols and operational tasks. Police Scotland has publicly stated that it would be a “*waste of valuable resource if they (ARV officers) didn’t continue with core duties*”.³⁵
 62. We found that Divisional Commanders work effectively with Operational Support Division and made regular use of ARV crews to deliver targeted patrols in response to specific local intelligence on criminal use of firearms. Data for the first year of Police Scotland showed that ARV officers had reported over 6000 road traffic offences, carried out 8000 stop and searches, completed more than 11,000 hours of directed patrols in local divisions and over 18,000 hours on default patrols. During our inspection we heard supportive comments from Divisional Commanders in relation to the assistance being provided to local policing by ARV officers. One senior officer felt that the withdrawal of ARV officers from attending non-firearms incidents might adversely impact on divisional performance in attending serious calls and acknowledged that the lack of written criteria for non-firearms duties was a “bit of a hole at the moment”.
 63. We sought the views of the Association of Scottish Police Superintendents (ASPS) members and the Scottish Police Federation (SPF), who were supportive of specialist resources being able to offer secondary support to local divisions.
 64. We found a number of examples where ARV crews had intervened in non-firearms incidents to save life, indicating the potential for synergy between the blue light services in providing emergency medical response – an issue which was recently examined by HM Fire Service Inspectorate³⁶. Given the enhanced medical training and equipment currently carried by some ARV officers, we suggest this would be worthy of further consideration by Police Scotland and that they should engage with the Scottish Ambulance Service and Scottish Fire and Rescue Service to maximise the value that ARV officers can provide to local communities.

³⁵ <http://www.scotland.police.uk/about-us/police-scotland/armed-policing/armed-policing-in-scotland>

³⁶ <http://www.scotland.gov.uk/Resource/0046/00460152.pdf>



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65. On 1 October 2014, Police Scotland announced a change in operational practice³⁷. Responding to concerns from politicians and some members of the public, the Chief Constable decided that specialist armed police officers in Scotland will in future only be deployed to firearms incidents or where there is a threat to life. At a press conference in Inverness on this date, the Assistance Chief Constable (Operational Support) made it clear that officers would still deal with any incident they may come across where a policing response is required. The announcement confirmed the Standing Authority and overt carriage of firearms would continue, although there would be a review of types of carriage and the deployment of ARVs. Police Scotland has established a group to review these issues which will submit a preliminary report to the next meeting of the Armed Policing Monitoring Group in January 2015. This decision has ostensibly withdrawn all ARV officers from attending non-firearms-related calls or contributing to local policing priorities.
66. When interviewed on 7 October 2014, the Assistant Chief Constable (Operational Support) confirmed that the change in operational practice was in place and that ARV officers would only be deployed to firearms incidents or where there is a threat to life. He advised that as part of the change, ARV officers would still be expected deal with other incidents requiring a police response if they came across it in the course of their duties. We agree with the proposition that an ARV officer is a constable first and foremost and that they should continue to assist members of the public who require police assistance. We consider it would be unacceptable in terms of both service delivery and public confidence for officers to ignore calls for assistance from the public or have marked police vehicles drive past incidents requiring a police response.
67. However, in the absence of definitive guidance to ARV officers, it is unclear how this will operate in practice and how much individual officer discretion could be applied. Notwithstanding the recent change in operational practice by Police Scotland, there remains a real likelihood that ARV officers with side arms will still be seen by the public or local media engaging in what they consider routine business within their communities.

³⁷ <http://www.scotland.police.uk/whats-happening/news/2014/october/review-of-firearms-officer-deployments-announced>



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68. We accept that Police Scotland will address the issue of discretion and establish criteria for ARV officers performing non-firearms duties as part of its ongoing deployment review. While Police Scotland has issued media lines around its change in operational practice we are not persuaded these messages are fully understood outwith policing. Police Scotland should engage with local stakeholders and develop clear public messaging around the limited nature of the standing authority and manage the community impact from the recent change in operational practice where armed officers may still be seen responding to incidents or requests for assistance.

Recommendation 5: Police Scotland should engage with local stakeholders to develop clear messaging around the limited nature of the standing authority and manage the local community impact from the recent change in operational practice where armed officers may still be seen responding to incidents or request for assistance.

69. Another area of media attention and public comment has been where ARV officers in possession of a side arm have entered retail premises to purchase a meal or refreshments. We have encountered differing views amongst ARV officers around what should now be done under the new operational practice. While there have been public concerns about armed officers being seen in shops; officers have expressed concern around the risks of not having immediate access to firearms and being unable to protect the ARV whilst temporarily unarmed. We were unable to identify Police Scotland guidelines on this, although we found some local commanders have recently directed that weapons should not be carried into shops in such circumstances. This has the potential for disparate approaches across Scotland and introduces potential risks in terms of officers arming and disarming. In the interests of providing clarity to officers and managing community impact, we consider there would be value in Police Scotland considering this specific issues and setting out clear guidance for all ARV officers on how firearms should be handled when they need to leave the ARV when not responding to operational incidents. Where Police Scotland assess that this guidance may have an impact on community confidence, it should be included in any public messaging to communities.



Recommendation 6: Police Scotland should provide clear guidance for ARV officers on how firearms should be handled when they need to leave the ARV when not responding to operational incidents. Where Police Scotland assess that this guidance may have an impact on community confidence, it should be included in any public messaging to communities.

70. We noted that some ARV officers were concerned that they would no longer be able to undertake non-firearm duties in support of local policing. we also noted variations on how this was managed in different locations. We are aware that ARV officers will continue to follow a patrol plan from Operational Support Division and control rooms will determine when and what incidents they will attend. Some regret was expressed by senior officers that the public controversy around this issue and told us the recent change in operational practice will constrain ARV officers who had previously made meaningful contributions to local policing over and above their functions as armed officers.
71. However, in returning to our third question, we believe there is still an opportunity for Police Scotland and the Scottish Police Authority to re-engage with local authorities and other stakeholders and ask the question – *Accepting the standing authority is justified and officers need to have immediate access to firearms; should these officers be dedicated solely to firearms duties or can they perform other duties in support of local policing?* Whilst we consider it would be inefficient and operationally ineffective for Police Scotland to have disparate arrangements for armed policing across Scotland, we believe it should be possible through effective dialogue to develop criteria for ARV officers performing non-firearm duties which are understood and accepted by local communities. This would allow ARV officers to meaningfully contribute to local policing priorities. We believe this should be incorporated into the ongoing review of deployment criteria by Police Scotland.

Recommendation 7: Police Scotland and the Scottish Police Authority should re-engage with local authorities and other stakeholders and develop criteria for ARV officers to undertake non-firearm duties which are understood and accepted by local communities and allow ARV officers to meaningfully contribute to local policing priorities.



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72. We are aware that the Scottish Police Authority has embarked upon a complementary scrutiny inquiry of armed policing which will focus on public engagement³⁸ and would expect the findings from this review to inform the future engagement around this issue.
73. Our conclusion is that the procedures for ARV officer deployment to firearms-related incidents are fully compliant with the College of Policing and ACPO guidelines. Whilst there has been no written criteria for ARV officers to perform non-firearm duties, there have been sufficient operational safeguards in place. We consider that Police Scotland has underestimated the community impact of its policy to allow ARV officers to attend non-firearms-related incidents and could have done more in terms of local engagement and addressing localised concerns. We welcome that the Chief Constable has recently responded to community concerns around armed policing and support his decision that ARV officers will only be deployed to firearms incidents or where there is a threat to life. However, we believe that ARV officers can make a positive contribution to local policing and should support local officers through attending appropriate non-firearms-related incidents, albeit we accept this will require deployment criteria that is understood and accepted by local communities.

³⁸ See <http://www.spa.police.uk/news/2014/september/247707/>

What external consultation took place?

74. Our fourth and final question concerns what external notification and consultation took place around the decision by Police Scotland to deploy ARV officers under the standing authority with overt carriage of side arms. The Scottish Police Authority specifically requested that we include this within our review.
75. The timeline at Paragraph 7 sets out the key milestones going back to the decision to move to Standing Authority in November 2012. This highlights meetings, events and documents that are relevant to the engagement between Police Scotland and the SPA.
76. We have seen a copy of a briefing note for the Chief Constable to present to the Police Authority in December 2012. The briefing note contained information on the Standing Authority and overt carriage but makes no mention of the proposed deployment criteria. There was an SPA Board meeting on 19 December and we have reviewed the minutes from this meeting. There is no record of armed policing having been brought forwards for discussion by the Chief Constable.
77. This armed policing policy proposal received media coverage on 23 December 2012³⁹ where the DCC (Crime & Operational Support) was quoted – *“We are going to have a network of armed response units around the country. We feel that, in terms of keeping people safe, we have to have that footprint. Some areas currently don’t have them. We will introduce full-time, dedicated armed officers on patrol around the country with the ability to respond very quickly to any situation. That already happens in urban areas. We need that specialist, dedicated, high-level resource to deal with high-level threats nationwide.”* While this media coverage made it clear that Police Scotland would introduce dedicated ARV officers across Scotland, it made no mention of any standing authority or that officers would overtly carry side arms.
78. The Day 1 Preparedness document for the SPA in March 2012, shortly before Go-live, included reference to Standing Authority but made no mention of overt carriage. Nor is there evidence of detailed explanation of the community impact implications. We have heard from a number of senior officers who consider significant efforts were made at the time to communicate this. What is not so clear is evidence that in this exchange of information, admittedly amongst a welter of other significant issues arising from Police Reform at the time, that overt carriage of firearms and the implications of visible armed policing were fully discussed or any impact on public opinion assessed in detail.

³⁹ ‘Armed police to patrol all of Scotland’ The Scotsman 23 December 2012



79. We have asked the SPA for their understanding of how and when these issues were discussed. They responded as follows:

- A Board Meeting was held on 19 December 2012. There was no item brought forward nor was there discussion on Armed Officers.
- A Board Meeting was held on 22 March 2013. There was no item brought forward specifically nor was there discussion on Armed Officers. However, Agenda Item (8) “Police Scotland Operational Readiness” did provide a short commentary on Armed Policing, stating *“Armed Policing – Command protocols have now been finalised and national firearms seminars planned for 18/19th March 2013, with further dates arranged in April/May. Local briefings have been provided to all ARV teams across Scotland and it is the intention that a series of workshops will be delivered between 20 – 22nd March 2013 covering Post Incident Management, Standard Operating Procedures and Operations/Training for Supervisors. Work is therefore well underway and on track in terms of Armed Policing provision for Day 1 when a standing authority for Armed Response Vehicles (ARV), Tactical Firearms Unit (TFU), airport coverage and other policing operations will be implemented.”* This is the same statement that the Chief Constable referred to in his response at the SPA Board meeting on 25 June 2014.
- There were three Members Meetings held in March 2013 but all of those meetings were focused on SPA “set-up” related matters.
- There were Day 1 Readiness Meetings held on 13 and 27 March 2013 but these meetings focused on budgets, risks, organisational structures.
- There were no meaningful discussions with Board Members on ARV Officers (in any context) until the Board Meeting of 25 June 2014 when it was discussed and subsequently minuted (on page 17 of 32).
- The matter was raised again at the Board Meeting on 27 August 2014.



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80. We took evidence from Police Scotland senior officers that there had been considerable effort to engage with the SPA over armed policing before and after the inception of Police Scotland. The view of the SPA however is that across this timeline from November 2012 through to summer 2014, SPA members were at no point advised or left with the impression that armed police officers would be deployed to non-firearm specific duties. The understanding of SPA members was that specialist firearms officer deployment was focused on firearm incidents. Having examined the available documentation, we have been unable to identify any records or minutes which indicate a full and informed debate or discussion was held between the two parties, particularly around the implications of overt carriage and attending non-firearm incidents whilst overtly armed.
81. Although the Police Scotland Operational Readiness paper tabled to the SPA on 22 March 2013 made a specific reference to a “*standing authority for Armed Response Vehicles (ARV)*”, we consider this to be a technical policing term that could not reasonably have been understood by SPA members or relied upon to convey the important message that officers would be overtly armed.
82. The College of Policing FSTRA Guide⁴⁰ encourages the use of a “PESTELO” model (a tool to identify different factors to consider around a policy) regarding local, regional and national priorities, but it makes no mention on how Forces should consult on matters of United Kingdom national decision-making. Section 8 of the FSTRA guide does require documentation related to external communication and stakeholder engagement, however this guidance is oriented more towards determining the strategic threat and risk assessment as opposed to consulting on the decisions that flow from it. It makes no specific mention of community impact assessments when documenting decisions and rationale in the FSTRA.

⁴⁰ College of Policing: Armed Policing FSTRA Guide Version 3.0 2013



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83. All interviewed understood the requirement for community impact assessments around operations. What we did not find, however, was a common process for ensuring community impact assessments at a higher level, such as policy change or implementation. We find it inconsistent that Equality Impact Assessments are carried out routinely in the development of policy but community impact assessments are not. A standard stakeholder management approach to this issue would have identified issues around handling which required proactivity and differentiation between interested parties. We have not found evidence of a systematic approach at the time which sought to understand the “influences, interests and attitudes of stakeholders, as well as importance and power”.⁴¹ As this policy was part of a wider change programme around Police Reform, it is relevant to bear published good practice in mind.
84. We were told that the Police Reform Team had difficulties engaging with the SPA during its establishment. They considered they had provided the SPA a wealth of detail, but at the time SPA attention was more focused on problems around ICT and HR Support. This view is not shared by the SPA who consider that the Day 1 readiness focus by members was on a significant range of operational, legal and financial issues and not solely around ICT and HR. Additionally, it was felt there were issues around the SPA being an new organisation with limited technical understanding and the context was demanding. The wording of the Day 1 Readiness document presented to the SPA in March 2013 makes no mention of overt carriage of firearms and consequent implications. If the Reform Team were having difficulty in communicating with the SPA, then more detailed explanation rather than less would have been appropriate.

⁴¹ Managing Successful Programmes HMG 2011 Edition 6.6.2



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85. Whilst both the SPA and Police Scotland had been under significant pressure at the time of Police Reform, we believe that the changes to armed policing and the standing authority would have benefited from more attention at the time. Police Scotland seems to have assumed that the introduction of a model drawing on the learning from the Strathclyde experience could readily be applied elsewhere. As outlined earlier in this report, we believe that the case for a common Standing Authority is strong. The case for overt carriage of firearms is also strong but not so easily understood without technical explanation. However, the case for armed officers attending non-firearms duties and incidents does not seem to have been fully thought through or explained carefully enough to stakeholders by those who implemented it.
86. Our conclusion is the recent tensions have grown from the limited communication around this issue from December 2012 onwards. Police Scotland do not appear to have effectively communicated the impact of its policy to implement a national standing authority for ARV officers, nor ensured the SPA fully understood the implications. However, we accept that much of this can be attributed to the significant pace of change around reform and the unprecedented challenge on both the Chief Constable and the SPA to transition legacy police forces into a single operational service and establish a functional authority on Day 1. There is nonetheless some learning that should be taken from this, and we recommend that Police Scotland adopt a comprehensive stakeholder management process for any further major policy changes, apply community impact assessments as a matter of course and ensure this is supported by a detailed communications plan. In particular, there should be agreement between Police Scotland and the SPA around how significant national policy changes are communicated in advance. We welcome that the SPA is currently working with Police Scotland to develop a clear statement of expectations over how operational decisions with wider strategic or community impacts are communicated to national and local oversight bodies and other key interests.

Recommendation 8: Police Scotland adopt a comprehensive stakeholder management process for major policy changes, apply community impact assessments as a matter of course and ensure this is supported by a detailed communications plan. In particular, there should be agreement between Police Scotland and the SPA around how significant national policy changes are communicated in advance.



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87. In terms of the concept of operational independence and the accountability of policing in Scotland, we offer the following comments. Firstly, we consider the decision to grant a Standing Authority is an operational decision for the Chief Constable of Police Scotland. Our view is supported by the legislation and guidance authorising the police use of firearms, which allows for such decisions to be taken by Chief Officers. However, we recognise the recent public and political interest in armed policing has raised broader questions around the accountability of the Chief Constable and has prompted wider discussions around the concept of operational independence. These discussions have re-ignited some of the early political debates over governance and accountability that formed part of the scrutiny over the Police and Fire Reform (Scotland) Bill.
88. We do not consider the term “operational independence” to be particularly helpful and believe that the concept of “**operational responsibility**” aligns better with the new policing landscape in Scotland. Our view has been informed by the work in 1998 by the Independent Commission on Policing for Northern Ireland. It made specific reference to the issue of “operational independence”, citing this as one of the most difficult issues they have considered.⁴² Having consulted extensively in several countries, the Commission concluded that the notion “‘operational independence’ had emerged from the term ‘direction and control’ included in the statutory description of the functions of a Chief Constable. It was considered by the Commission difficult, if not impossible, to define the full scope of a police officers’ duties and as such problematic to provide a composite definition for the term ‘operational independence’”. This is a view that is shared by HMIC in England and Wales who suggest that “*Whilst the concept of operational independence has been widely accepted, the definition of it has remained so broad it provides limited practical guidance. The concept is, by its very nature, fluid and context driven.*”⁴³

⁴² Independent Commission on Policing for Northern Ireland: A New Beginning: Policing in Northern Ireland p8

⁴³ HMIC: Police Governance in Austerity, October 2010



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89. The Commission concluded that it was not sufficient that the scrutiny attributed to policing decisions was limited to matters falling outwith the scope of “operational independence”. They argue that the term is unhelpful and that, in a democratic society, a Chief Constable should be considered fully accountable in the same terms as any public official, for the performance of their function. Whilst they fully support the need to minimise the risk of political influence, they conclude that the term “operational responsibility” is more appropriate.
90. We consider this view remains valid within the context of contemporary Scottish policing and believe it goes some way in addressing the inherent ambiguity over what may be an operational decision and what may be a strategic policy decision. Importantly, we believe that operational responsibility is entirely consistent with the statutory responsibilities of both the Chief Constable and the Scottish Police Authority, specifically:
- *The Chief Constable has direction and control of the Police Service;*⁴⁴
 - *The Chief Constable is responsible, and must account to the Authority, for the policing of Scotland*⁴⁵; and
 - *The Authority’s main function to hold the Chief Constable to account for the policing of Scotland*⁴⁶
91. We are aware that the Scottish Police Authority is actively considering this issue and would encourage it to take the lead by engaging with Police Scotland and other relevant stakeholders across civic Scotland to consider the concept of operational responsibility and develop a shared understanding over roles, responsibilities and boundaries. This has the potential to build on work already being undertaken by the Authority in respect of its scrutiny inquiry into armed policing and ongoing work with local scrutiny and engagement committees. This should develop effective mechanisms to capture local authority perspectives and apply these within its wider scrutiny of the Police Scotland.

⁴⁴ Police & Fire Reform (Scotland) Act 2012, Section 21

⁴⁵ Police & Fire Reform (Scotland) Act 2012, Section 17

⁴⁶ Police & Fire Reform (Scotland) Act 2012, Section 2



Recommendation 9: The Scottish Police Authority should engage with Police Scotland and other relevant stakeholders to consider the concept of “Operational Responsibility” and develop a shared understanding over roles, responsibilities and boundaries. This should include mechanisms to capture local authority perspectives and apply these within its wider scrutiny and governance of Police Scotland.

92. In order to support effective scrutiny, promote greater transparency over armed policing and build public confidence, it is important that accurate statistical information is made available by Police Scotland.
93. On 5 August, 2014, the Cabinet Secretary for Justice made a statement to the Scottish Parliament on Armed Policing⁴⁷. The statement announced an agreement with the Chief Constable to provide quarterly reports to the Scottish Police Authority and Parliamentary Policing Sub-Committee on the number of officers deployed on ARV duties. An additional measure was agreed that should the number of officers deployed on ARV duties routinely exceed 2% of the total numbers of officers in Scotland, then the Chief Constable will notify the Scottish Police Authority and the Cabinet Secretary for Justice.
94. During our review, we noted that there were some 531 authorised firearms officers (AFOs) in Police Scotland of which, 275 of these officers were currently performing ARV duties under the standing authority⁴⁸. This represents an overall reduction in the number of AFOs from the legacy force arrangements. Although geographically dispersed throughout Scotland, all of these officers fall under a single command structure within Operational Support Division who produce daily duty sheets and can therefore report accurately on the number of officers deployed in an ARV role on a day-by-day and shift-by-shift basis. Police Scotland consider the current processes to be unduly cumbersome and intend to streamline these through a single instance of the SCOPE ICT system.

⁴⁷ <http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=9432&i=84737&c=1698511>

⁴⁸ It should be noted that the number of AFOs and the proportion of those performing ARV duties will vary from time-to-time due to operational requirements.



95. More broadly, we note that national statistics on the police use of firearms in Scotland were publicly available⁴⁹ but discontinued some time ago. In England and Wales, the Home Office have published a range of police firearms data including⁵⁰:
- The number of police operations where firearms were authorised
 - The number of AFOs
 - The number of operations involving ARVs
 - The number of discharges of conventional firearms
96. All incidents involving the use of police firearms in Scotland are referred for independent review to the Police Investigations and Review Commissioner (PIRC), and that the outcome of these reviews is made publicly available on the PIRC website. Given the commitment given by the Chief Constable to the Cabinet Secretary, we would encourage greater public reporting by Police Scotland and the Scottish Police Authority in relation to quarterly statistical information on police firearms matters. However, in the interests of protecting the operational integrity and security of sensitive police data, we would recommend that any statistical information is not broken down below the national level and is not further broken down by specific firearms function.

Recommendation 10: Police Scotland should establish suitable processes to monitor, collate and report against the number of ARV officers and work with the Scottish Police Authority and Police Investigations and Review Commissioner to consider what additional police firearms data can be made publicly available to increase transparency and improve the scrutiny of armed policing in Scotland.

⁴⁹ See Appendix B in HMICS Thematic Inspection of Armed Policing (2009) : <http://www.hmics.org/sites/default/files/publications/Thematic%20-%20Police%20use%20of%20Firearms.pdf>

⁵⁰ Home Office Police Firearms Statistical Return (2011): https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183401/police-firearms-use-2010-2011.pdf

Implications for police reform

97. In conducting this review, we have taken the opportunity to look at the objectives of police reform in Scotland through the lens of Armed Policing. Our analysis in this case would suggest that the new ARV model has indeed protected and improved local services and has resulted in more equal access to specialist support and national capacity. However, our review has also highlighted that there is still a gap in public understanding around the nature and extent of armed policing in Scotland. We find that this issue has not strengthened the connection between police services and communities. It is clear that Police Scotland is not moving to an armed police service but that there is more to be done to ensure that this message is more widely understood.
98. There is a view that the current debate around Armed Policing in Scotland is politically driven but we do not consider it sufficient to dismiss the issues raised solely in the light of the absence of comment about the new national armed policing model during the first 13 months of Police Scotland. Whatever has happened, there is now fairly widespread concern about the arming of police officers in Scotland and it is important that both Police Scotland and the SPA address these concerns promptly.
99. We have made a number of recommendations for improvement in this report and we welcome the Chief Constable's announcement on 01 October 2014 of an internal review to report in January 2015. We also await publication of the SPA ongoing scrutiny enquiry which is expected on 17 December 2014. **We will be interested in the outcome of both reviews and will follow up progress against our recommendations to both Police Scotland and the Authority.**

Appendix 1

UK Armed Policing Policy and Procedure

This Appendix is intended to provide some wider contextual information in relation to the respective roles of ACPO Armed Policing and the College of Policing with regard to UK armed policing policy and procedure. The Chief Officers of Police Scotland are currently members of ACPO.

ACPO Armed Policing

The ACPO lead for armed policing policy and procedure relating to the police use of firearms in the UK is the Deputy Chief Constable, Civil Nuclear Constabulary. He is responsible for liaison with regional and force firearms leads to ensure that they are aware of and adhere to United Kingdom national policy and guidance. This includes the role profiles for AFOs, ARV officers, Tactical Advisors, and Firearms Commanders, the details of which are contained within the National Police Firearms Training Curriculum (NPFTC) which is maintained by the College of Policing.

The ACPO Lead and the ACPO Armed Policing secretariat are the single point of contact for forces and the Home Office in respect of any issues or queries that they may have with regards to the police use of firearms. The Deputy Chief Constable, Civil Nuclear Constabulary, has been the lead for the past 6 years and the secretariat housed within West Mercia Headquarters since about 1993.

The need for interoperability and a common understanding with regards to the roles and capabilities of officers performing those roles was highlighted initially in 1998 with the shooting of James Ashley in Sussex and subsequent police shootings, not least of which the Jean Charles de Menezes at Stockwell in 2005. HMIC, Home Office and the IPCC, formerly the PCA, recognised the need for the United Kingdom national lead and secretariat and have made reference to them in previous reports.

Historically, the National Lead and Secretariat were responsible for maintaining the ACPO Manual of Guidance on the Police Use of Firearms/Management Command and Deployment of Armed Officers. In 2012 with the creation of the College of Policing, Authorised Professional Practice the management of Armed Policing Manuals/APP migrated to College of Policing.

Although the majority of policing in Scotland is devolved, firearms legislation is reserved to Westminster and therefore post-devolution armed policing in Scotland has continued to adhere to Home Office approved weapons systems and has engaged with wider UK mechanisms on a voluntary basis. The need for UK firearms interoperability is widely accepted in policing and ACPOS had previously adopted all aspects of the former ACPO Manual of Guidance on the Police Use of Firearms in Scotland.



The College of Policing

The College of Policing manage and administer the Armed Policing APP on behalf of ACPO Armed Policing. It is the feedback and lessons learnt that are routed through the secretariat which identify those areas where improvements can be made. In parallel to APP, the College of Policing manage and write the United Kingdom National Police Firearms Training Curriculum (NPFTC) which contains the detail around the roles performed by armed officers and commanders. As such some of its material is sensitive and not publicly available.

In 2003 the Home Office working with HMI and the National Armed Policing Lead/Secretariat developed the Home Office Codes of Practice in respect of the Police Use of Firearms and Less Lethal Weaponry. Part of that Code requires forces to complete an annual strategic threat and risk assessment (STRA) with regards to its use of firearms.

The College of Policing also provide a firearms licensing function for the police service in the UK which enables forces to train and accredit armed officers and commanders. As part of this licensing function, the College of Policing examine force STRAs to ensure that forces are according with the Code of Practice, National Police Firearms Training Curriculum (NPFTC) and AP APP.

In summary, it is the ACPO lead role to act as the linchpin and oversee the police use of firearms and national policy in the UK. The role of the College of Policing is more one of providing professional accreditation to ensure that the firearms assessments and armed policing training are in line with the above national documentation.

Appendix 2

Armed Policing and Human Rights

There are a number of international, European and domestic legal and human rights frameworks which inform and govern both policing and the police use of force in the UK. The most significant of these are the United Nations Code of Conduct for Law Enforcement Officials, the European Convention on Human Rights, and the UK Human Rights Act 1998.

The United Nations Code of Conduct for Law Enforcement Officials was adopted by General Assembly resolution 34/169 of 17 December 1979. Article 1 of the Code of Conduct provides that law enforcement officials “shall at all times fulfil the duty imposed upon them by law, serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession”. Article 3 provides that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty”. There are 8 Articles in the UN Code of Conduct for Law Enforcement Officials all of which apply to policing in the UK. The UN Code of Conduct can be viewed on the following link: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/LawEnforcementOfficials.aspx>

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) was adopted in 1950 by the Council of Europe. The Convention contains 59 distinct Articles in relation to human rights and the related Protocols contain a number of related Articles including Article 2 “the right to life” which is particularly relevant to debates on the use of lethal force. The European Convention for the Protection of Human Rights and Fundamental Freedoms can be accessed via the following link: http://www.echr.coe.int/documents/convention_eng.pdf

The European Convention for the Protection of Human Rights and Fundamental Freedoms contains a number of Articles that are relevant to policing and law enforcement more generally and also some which are specific to the use of force, managing conflict, arresting offenders and responding to potentially dangerous situations. These are summarised by the following table extracted from the College of Policing Armed Policing Authorised Professional Practice (APP) Manual to which all UK police forces adhere:



Figure No 2: ECHR rights and freedoms most relevant to policing

ECHR rights and freedoms that may be most relevant to policing	Human rights which are most likely to be directly jeopardised in situations where force is used	Articles engaged when: – managing conflict – arresting offenders – responding to potentially dangerous situations
Article 2 – the right to life	✓	✓
Article 3 – prohibition of torture, inhuman or degrading treatment or punishment	✓	✓
Article 5 – the right to liberty and security of the person		✓
Article 6 – the right to a fair trial		
Article 7 – no punishment without law		
Article 8 – the right to respect for private and family life	✓	✓
Article 9 – freedom of thought, conscience and religion		
Article 10 – freedom of expression		✓
Article 11 – freedom of assembly and association		✓
Article 14 – prohibition of discrimination		✓

The UK Human Rights Act 1998 gives further effect to the rights and freedoms granted under ECHR and Section 6 (1) of the Act makes it unlawful for any UK public authority to act in a way which is incompatible with a Convention right. The Act may be viewed via the following link:

<http://www.legislation.gov.uk/ukpga/1998/42/contents>

Accordingly, it is clear that there are a number of international, European and domestic legal and human rights frameworks that both inform and govern policing and law enforcement endeavours including the setting of legal parameters around the permissible use of force by the police. These various legal frameworks have been incorporated into UK Policing and Firearms legislation and also into the professional and technical regulation over armed policing disciplines in the UK.

More broadly, under Section 2 (1) of the Health and Safety at Work etc. Act 1974, it shall be the duty of every employer to ensure, so far as reasonably practicable, the health, safety and welfare at work of all employees. This legal duty applies equally to hazardous occupations such as policing where in conducting their duties; police officers will from time to time come into contact with dangerous and/or armed individuals.



Section 55 of The Firearms Act 1968 provides the legal basis in the UK for the lawful possession of firearms by the UK police in the “Exercise of Police Functions”. In relation to the use of force, under the common law of Scotland there are three conditions which have to be met before the special defence of self-defence, or defence of another is available. These requirements, coming from the case of *HM Advocate v Doherty* 1954 JC 1 at 4-5, are:

- i. There must be imminent danger to the life or limb of the accused,
- ii. The force used in the face of this danger must be necessary for the safety of the accused – by this it is meant that the force must be both necessary in the circumstances and should be proportional to the threat which is being combated, and,
- iii. If the person assaulted has means of escape or retreat, they are bound to use them.

In Scottish law the concept of “reasonable belief” is outlined in the following guidance to officers, which has been circulated by the Crown agent and which is reproduced in national UK professional practice advice issued by the College of Policing in relation to armed policing in Scotland:

“A police officer is not entitled to discharge a firearm against a person unless the officer has reasonable grounds for believing that the person is committing, or about to commit, an action likely to endanger the life or cause serious injury to the officer or any other person, and there is no other way to prevent the danger.”⁵¹

⁵¹ Quoted in College of Policing: Armed Policing Legal Framework, accessed 5 October 2014.
<http://www.app.college.police.uk/app-content/armed-policing/legal-framework/>

Appendix 3

Glossary of Terms

ACC	Assistant Chief Constable
ACPO	Association of Chief Police Officers
AFO	Authorised Firearms Officer
APP	Authorised Professional Practice
ARV	Armed Response Vehicle
ASPS	Association of Scottish Police Superintendents
CED	Conducted Energy Device
DCC	Deputy Chief Constable
ECHR	European Convention on Human Rights
FSTRA	Firearms Strategic Threat and Risk Assessment
HMIC	Her Majesty's Inspectorate of Constabulary (England & Wales)
HMICS	Her Majesty's Inspectorate of Constabulary in Scotland
IPCC	Independent Police Complaints Commission
NPFTC	National Police Firearms Training Curriculum
PCA	Police Complaints Authority
PESTELO	Political, Economic, Social, Technological, Environmental, Legal, Other
PIRC	Police Investigations and Review Commissioner
SOP	Standard Operating Procedure
SPA	Scottish Police Authority
SPF	Scottish Police Federation
TASER	Conducted Energy Device (Less Lethal Option)
TFU	Tactical Firearms Unit



HM Inspectorate of Constabulary in Scotland

1st Floor, St Andrew's House

Regent Road

Edinburgh EH1 3DG

Tel: 0131 244 5614

Email: hmic@scotland.gsi.gov.uk

Web: www.hmics.org

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HMICS operates independently of Police Scotland, the Scottish Police Authority and the Scottish Government. Under the Police and Fire Reform (Scotland) Act 2012, our role is to review the state, effectiveness and efficiency of Police Scotland and the Scottish Police Authority. We support improvement in policing by carrying out inspections, making recommendations and highlighting effective practice.

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