



Home Office

BUILDING A SAFE, JUST
AND TOLERANT SOCIETY

CODE OF PRACTICE ON

Police use of Firearms

and Less Lethal Weapons

CENTREX
DEVELOPING POLICING EXCELLENCE

ncof

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1. Introduction

1.1 Purpose of the code

1.1.1 The purpose of this code is:

- a** To set out the basic principles in relation to the selection, testing, acquisition and use of firearms and less lethal weapons by police;
- b** To set out the manner in which those principles are to be implemented within the police service;
- c** To provide a statement on standards of competence, accreditation and operational practice relating to police use of firearms and less lethal weapons;
- d** To ensure that observance of these principles, and the standards for implementation, results in a systematic programme of continuous development of police policy, practice and capability;
- e** To promote compatibility of operating procedures for such weapons, in order to support procedures for testing and maintaining standards of competence, and to support operations involving officers drawn from more than one force;
- f** To foster the identification and promulgation of good practice; and
- g** To encourage and support the continuing development and improvement of police responses to potentially violent situations, and police management of conflict.

1.2 Statutory basis of the code

1.2.1 This code of practice comes into effect on December 3 2003.

1.2.2 This code of practice is made under:

- a** section 39 of the Police Act 1996, which permits the Secretary of State to issue codes of practice relating to the discharge by police authorities of any of their functions;
- b** section 39A of the same Act (see Section 2 of the Police Reform Act 2002) which permits the Secretary of State to issue codes of practice for the purpose of promoting the efficiency and effectiveness of police forces in England and Wales relating to the discharge of their functions by chief officers;
- c** section 73 of the Police Act 1997, which permits the Secretary of State to issue codes of practice relating to the discharge by the National Crime Squad (NCS) Service Authority of any of their functions; and under
- d** section 73A of the Police Act 1997 (see section 8 and Schedule 1 of the Police Reform Act 2002), which permits the Secretary of State to issue codes of practice relating to the discharge by the Director General of the National Crime Squad of any of the Director General's functions.

- 1.2.3 It applies directly to the police forces maintained for the police areas of England and Wales defined in section 1 of the Police Act 1996, and to the National Crime Squad (NCS).
- 1.2.4 It is available for adoption by other police forces in England and Wales, and by other jurisdictions within the United Kingdom.
- 1.2.5 References in this code to chief officers of police apply, in the case of NCS, to the Director General of that organisation.

1.3 Weapons covered by this code

- 1.3.1 Guidance on the humane destruction of animals by police is set out in the Manual of Guidance on Police Use of Firearms and is not otherwise dealt with in this code.
- 1.3.2 This code does not apply to weapons routinely issued to patrol officers for self defence purposes.
- 1.3.3 This code applies to any firearms and less lethal weapons available for issue within police forces, on the authority of a senior officer, in the circumstances described at section 1.4 below.
- 1.3.4 The range of equipment available for the purposes described at section 1.4 below may include not only conventional firearms but also other types of less lethal weapons and munitions which may not necessarily fall within the statutory definition of a firearm, but for which stringent standards of competence in their command, deployment and use will be required. This code applies to all such weapons available to police forces now or in the future. This entire range of equipment, comprising firearms and less lethal weapons, is referred to in this code as “weapons requiring special authorisation”. Such weapons are those specified as such by the Secretary of State and listed in the ACPO Manual of Guidance on Police Use of Firearms.

1.4 Armed support of police operations

- 1.4.1 The police service in England and Wales remains a predominantly unarmed service. Police officers may however have to deal with persons who may be in possession of a firearm; persons who have immediate access to a firearm; or other situations representing a threat to which an armed response is appropriate. In such cases it may be necessary for officers to be armed, for their own safety or for the protection of members of the public. To meet all those needs, police forces maintain an armed capability, and certain officers or groups of officers may need to be granted a standing authority for the carriage of weapons requiring special authorisation.

- 1.4.2 Both the general public and members of the police service therefore expect
- a that police use of weapons requiring special authorisation will be kept to the necessary minimum consistent with public safety;
 - b that in order to reduce the risk of death or serious injury, the equipment available to police forces should include less lethal weapons and munitions; and
 - c that when police operations result in injuries, relatives or close friends of injured and affected persons should be notified as soon as practicable.
- 1.4.3 Police officers who may be called upon to use weapons requiring special authorisation, those who command such officers, those providing tactical advice in their use, and those who authorise the issue and deployment of such weapons should be selected, trained and have their competence assessed and re-assessed to ensure that they are equipped for those responsibilities.
- 1.4.4 Whenever the use of force is necessary police officers will:
- a respect human life, and minimise damage and injury;
 - b exercise restraint in such use and ensure that their responses are proportionate and appropriate in the circumstances and consistent with the legitimate objective to be achieved; and
 - c ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest practicable moment.

1.5 Confidentiality of guidance on training, tactics and the use of equipment

- 1.5.1 Guidance in respect of the use of weapons requiring special authorisation is set out in the Manual of Guidance on Police Use of Firearms drawn up by the Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) and of Scotland (ACPOS). The Secretary of State supports the continuing practice of the Association of Chief Police Officers (ACPO) that Manuals of Guidance should so far as possible be available to the public, to the extent consistent with public safety.

2. Scope and Status of this Code

2.1 Law relating to the use of force

- 2.1.1 This code applies within the framework of law governing the use of force by the police, which forms part of the general law of England and Wales the relevant parts of which are summarised within ACPO Manuals of Guidance.
- 2.1.2 Use of force by police officers must take place within the bounds of the law, which is to be found in
- a International law, and especially the provisions of the European Convention on Human Rights (ECHR) now incorporated in domestic law by the Human Rights Act 1998;
 - b The common law; and
 - c Statute law, including section 3 of the Criminal Law Act 1967 and section 117 of the Police and Criminal Evidence Act 1984;
- 2.1.3 Under the Police Reform Act 2002 (s2), Chief Officers have a duty to have regard to this Code of Practice.

2.2 Relationship of the code to other guidance

- 2.2.1 Chief officers of police will make arrangements under this code for the authorisation, deployment and use of weapons requiring special authorisation, taking account of detailed operational guidance updated and adopted collectively by chief officers of police. Guidance in respect of weapons requiring special authorisation is set out in the Manual of Guidance on Police Use of Firearms.
- 2.2.2 Chief officers' arrangements within their forces for issue and use of weapons requiring special authorisation should also take account of all guidance issued by ACPO relating to officer safety and public order.

2.3 Role of HM Inspectorate of Constabulary

- 2.3.1 HM Inspectorate of Constabulary will continue to monitor police use of weapons requiring special authorisation. This will cover:
- a arrangements within forces for threat and risk assessment,
 - b the selection and training of officers authorised to use such weapons, or to command incidents involving their use, or to provide tactical advice relating to their use; and
 - c compliance with this code and related ACPO guidance.

3. Basic Requirements of this Code

3.1 Nominated senior firearms officer in each force

3.1.1 For the purpose of maintaining standards within each force, chief officers should ensure that an officer of at least the rank of Assistant Chief Constable, or equivalent, is nominated to take the lead within the force in relation to operational policy and practice in respect of weapons requiring special authorisation.

3.2 Threat and risk assessment

3.2.1 Chief officers of police are responsible for establishing the operational requirement for their police areas in order to determine a policy for the provision of weapons requiring special authorisation, and the equipment, training and accreditation of users. For this purpose chief officers should assess the known and reasonably foreseeable threats and risks in their police areas which may be relevant to the use of weapons requiring special authorisation.

3.2.2 Threat assessment is the process of considering available information and applying it to the circumstances of a particular operation or contingency plan. Chief officers should ensure that guidance on threat in the Manual of Guidance on Police Use of Firearms is understood and implemented in their forces.

3.2.3 Chief officers of police should ensure that in addition to generic risk assessments which exist for the broad range of police activity, further assessments are carried out in relation to all operations involving weapons requiring special authorisation.

3.2.4 Each force's assessments should be regularly updated, having regard to the recommendations of HM Inspectorate of Constabulary.

3.2.5 These assessments may include:

- a** the pattern of crime in the police area;
- b** the geographical and logistical considerations affecting the availability of weapons requiring special authorisation, and the deployment of personnel trained to use such weapons or to command incidents involving their use;
- c** the threat posed by armed persons such as criminals, terrorists and armed groups, which members of the force might need to confront;
- d** the force's potential obligations under mutual aid arrangements; and
- e** the force's responsibilities in respect of national emergencies and nationally based plans.

- 3.2.6 Chief officers of police should use these assessments as a basis for deciding:
- a** what types of weapons need to be available within their forces, either from each force's own resources or by agreement with one or more other forces;
 - b** the numbers of officers required to be trained in their forces in the use of such weapons, and in providing tactical advice in the use of such weapons; and the numbers and ranks of officers to be trained to command incidents involving such weapons;
 - c** arrangements for the deployment within their forces of weapons and personnel trained to use them.

3.3 Authorisation procedures for weapons requiring special authorisation

- 3.3.1 Chief officers of police are responsible for weapons requiring special authorisation to be made available within their forces, and for the procedures for authorising their issue. The rank at which such decisions may be taken may vary, in accordance with those procedures, depending on:
- a** the class of weapon involved and the surrounding circumstances,
 - b** the urgency of the situation,
 - c** the time available, and
 - d** the feasibility of timely access to more senior officers.
- 3.3.2 These procedures should also provide for officers in possession of weapons requiring special authorisation to make immediate use of them without further authority, where to do so is necessary to protect life or prevent serious injury.
- 3.3.3 Arrangements for authorising issue of weapons requiring special authorisation are set out in ACPO Manuals of Guidance, and chief officers should ensure that their force's arrangements comply with that guidance.

3.4 Planning of operations

- 3.4.1 In considering the weapons and tactics to be used, the planning of operations involving weapons requiring special authorisation should take account of the characteristics of those weapon systems and the possible effect on communities and individuals of their use. In certain circumstance the use of particular weapons may present specific hazards which may need to be taken into account in decisions regarding their use.

- 3.4.2 Where possible, an early community impact assessment should be undertaken and kept under review. Opportunities for reassurance of communities affected should be considered for inclusion in the operational plan.
- 3.4.3 Operations involving weapons requiring special authorisation may require the most thorough and careful planning permitted by the circumstances. Such planning should take account of all information reasonably available to officers involved, so that operations may be undertaken in a safe and appropriate manner. This applies both to contingency planning for dealing with foreseeable threats, and immediate action which may be necessary at short notice. The level and nature of the information available, the threat, and the available time will inevitably affect planning in a particular case.
- 3.4.4 Police officers responsible for planning and undertaking operations where the use of force is a possibility should plan and undertake them so as to minimise, to the greatest extent possible, recourse to force and, in particular, lethal force.

3.5 Health and Safety

- 3.5.1 Legislation provides for the duties of employers regarding health and safety to extend to persons other than employees. Planning of operations involving weapons requiring special authorisation must therefore take account of possible risks to all personnel engaged as part of the operation, and any others who might be affected by it.
- 3.5.2 Chief officers of police are responsible to their police authorities for ensuring that training for and planning of operations involving weapons requiring special authorisation take account of any guidance on Health & Safety for Police Authorities and Chief Officers.
- 3.5.3 They should also ensure that the management and command of operations involving such weapons take continuing account of health and safety considerations.

4. Weapons, Related Equipment and Tactics: Development and Approval

4.1 Availability of approved weapons

- 4.1.1 Chief officers of police, in consultation with their police authorities, will be responsible for the acquisition of weapons requiring special authorisation for use in their force areas, on the basis of the threat and risk assessment processes referred to at section 3.2 above.
- 4.1.2 Chief officers of police should ensure that their officers authorised to use weapons requiring special authorisation are equipped and trained in accordance with this code.
- 4.1.3 The training for and operational use of such weapons should follow any specific ACPO guidance relating to the use of each weapon.

4.2 Issue of weapons to competent officers

- 4.2.1 Weapons requiring special authorisation should be issued only to officers assessed as competent to use them in accordance with the training and assessment procedures at section 5.1 below.

4.3 Development and approval of new weapons and operating procedures

- 4.3.1 It is important that the continuing development of weapon systems, including their related operating procedures, should be centrally co-ordinated. That is to ensure that emerging requirements of the police service may be properly identified and met, that weapon systems may be adequately tested and evaluated for police use, and that good practice may be promulgated and adopted within the service. For those purposes, chief officers of police should monitor emerging operational requirements in their forces, and the availability of new weapon systems, which might improve the safety of operations involving weapons requiring special authorisation.
- 4.3.2 The police service should maintain the capability centrally to assess, evaluate and where appropriate adopt effective less lethal weapon systems where they might reduce reliance on conventional firearms or ammunition without compromising the safety of police officers or others who might be affected. For this purpose, Chief Officers co-operating with each other (normally through ACPO) should monitor the availability of new weapon systems.
- 4.3.3 Where ACPO regard new weapon systems as suitable for further evaluation and testing they should consult the Secretary of State:

- a** to obtain the Secretary of State's views on the suitability and independence of bodies to be invited to carry out technical and medical evaluations of new weapon systems, and the procedures to be adopted for those evaluations;
- b** to ensure that these procedures will be carried out as expeditiously as possible in order to meet police operational needs; and
- c** to enable the Secretary of State to consider using powers relating to the regulation of equipment and of procedures and practices under the provisions of sections 53 and 53A of the Police Act 1996 (as amended by the Police Reform Act 2002), and sections 80 and 80A of the Police Act 1997 (as amended by the Police Reform Act 2002).

4.3.4 The processes for evaluating, assessing and adopting new weapon systems and tactics, and arranging for any related training to accredited standards, must be completed before such weapons and tactics are to be regarded as available generally for use by police forces.

4.3.5 Evaluation and assessment processes for such weapons will include where appropriate a needs analysis, determination of operational requirement, technical evaluation, medical assessment and operational performance trials, and will take into account relevant strategic, ethical, operational and societal issues.

4.4 Availability of weapons under development or on trial

4.4.1 Chief officers of police may also have available for special authorisation weapons undergoing trial or evaluation as part of the national approval process provided for at section 4.3 above. In such cases, Chief Officers of designated trial forces may authorise deployment of such weapons in accordance with any related guidance, for use as weapons requiring special authorisation.

5. Training: Standards and Accreditation

5.1 Selection, training and maintaining competence

5.1.1 Chief officers of police should arrange the selection and training of officers

- a to use weapons requiring special authorisation,
- b to provide tactical advice for operations involving such weapons, and
- c to command incidents involving such weapons

so as to ensure attainment of standards of competence set out in National Occupational Standards and agreed by the Police Skills and Standards Organisation (PSSO).

5.1.2 These standards of competence and related training requirements apply to those who use weapons requiring special authorisation, those who provide tactical advice in their use, and those who might be called upon to command operations involving the use of such weapons.

5.1.3 Chief officers should maintain in their forces a sufficient number of officers selected and trained to National Occupational Standards to carry out such operations.

5.1.4 Chief officers of police should similarly maintain in their forces sufficient officers selected and trained to National Occupational Standards to provide tactical advice for, or to command, operations involving the deployment of weapons requiring special authorisation.

5.2 Standardisation of training to specified levels of competence

5.2.1 Training for these purposes in accordance with National Occupational Standards is not only to ensure the maintenance of high standards of competence, but also to facilitate operations involving more than one force. For this purpose National Occupational Standards will define standards of competence for weapons requiring special authorisation in standard disciplines and skills, to common standards, incorporating nationally recognised terminology.

5.3 Independent accreditation of training

5.3.1 The body responsible for the approval and accreditation of training courses and trainers for these purposes will be the Police Licensing and Accreditation Board or any successor body designated by the Secretary of State.

5.3.2 Training standards will be kept under review by the accreditation authority, in particular to take account of the continuing identification and development of good practice resulting from the systematic reporting and assessment of experience – see 6.8 below.

6. Post-Incident Procedures and Promulgation of Good Practice

6.1.1 In considering the need for post-incident investigations involving the relevant statutory bodies referred to below, chief officers should bear in mind the advantages of showing the willingness of the police service to accept independent scrutiny, and should approach the scrutiny responsibilities of the statutory bodies on a basis of partnership with them.

6.2 Role of the Police Complaints Authority (PCA)

6.2.1 This section of this code ceases to have effect from 1 April 2004, when the PCA will cease to exist.

6.2.2 In the case of death or serious injury, referral to the Police Complaints Authority is expected (and mandatory if a complaint is made). Chief officers should consult the PCA about the desirability of arranging an investigation in any case where the weapon used was under trial or evaluation as provided for at section 4.4 above, or in any other case where the gravity of the incident or its special circumstances, including the reaction of the local community, requires consideration of a supervised investigation.

6.2.3 Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the European Convention on Human Rights (ECHR). The purpose of the investigation is to establish a true and factual account of the incident.

6.3 Role of the Independent Police Complaints Commission (IPCC)

6.3.1 This section applies from 1 April 2004, after the PCA has ceased to exist.

6.3.2 In the case of death or serious injury, and in other cases to be defined by regulations made by the Secretary of State, referral to the IPCC is mandatory. But chief officers should consult the IPCC where required to do so by any guidance issued by the IPCC, or in any case where the weapon used was under trial or evaluation as provided for at section 4.4 above, or in any other case where the gravity of the incident or its special circumstances, including the reaction of the local community, requires consideration of a formal investigation.

6.3.3 When considering an investigation connected with police use of weapons requiring special authorisation chief officers should consult the IPCC, to enable the IPCC to determine, in accordance with Part 3 of Schedule 3 to the Police Reform Act 2002, whether such investigation should be

- a** an investigation by the chief officer;
- b** an investigation by the chief officer under the supervision of the Commission;

- c** an investigation by the chief officer under the management of the Commission;
or
- d** an investigation by the Commission.

6.3.4 Comprehensive investigations into all deaths, whatever the cause, are an essential element of Article 2 of the European Convention on Human Rights (ECHR). The purpose of the investigation is to establish a true and factual account of the incident.

6.4 Procedures within police forces to support investigations

6.4.1 Police authorities and chief officers of police should ensure that operating protocols exist within their forces defining the action to be taken throughout the various stages of an investigation or review of an operation involving weapons requiring special authorisation. These should include:

- a** The management of the scene of the incident and continuity of command until the appointment of a Senior Investigation Officer, with an appropriately resourced investigation team;
- b** The identification of suitable venues for the post incident procedures to be conducted;
- c** The selection and training of officers to undertake the role of Post Incident Manager, which should include longer term arrangements for liaison, welfare and management of the officers concerned;
- d** Procedures for the hand-over to an appointed independent investigation team, where necessary;
- e** A structured and documented process for the operational re-mobilisation of officers, where appropriate, when an investigation has been completed.

6.5 Welfare needs of police staff following operations

6.5.1 Chief officers of police should ensure, following incidents involving weapons requiring special authorisation, that the welfare needs of officers and other staff involved in the operation are provided for.

6.5.2 These arrangements should include, where appropriate, provision of psychological and medical support for any officers and staff involved, together with access to staff association advice. Where appropriate, the police authority should consider legal representation for such officers and staff.

6.6 Community and welfare issues in relation to armed operations

- 6.6.1 Chief officers should ensure that the welfare needs of others involved in such an incident are similarly considered.
- 6.6.2 Chief officers should ensure that the need for community impact assessment is considered where weapons requiring special authorisation are deployed. This need should be considered at the planning stage, during the operation, and after it. The purpose of such assessment is to determine the needs of communities, or affected families, relatives or close friends of any persons involved, taking account of their circumstances and vulnerability. There should be early consideration of the involvement of family liaison officers, and of the need to keep relevant individuals and organisations informed.
- 6.6.3 The police authority and the chief officer should consider the involvement of community representatives as part of post-incident procedures or any subsequent investigation or review.

6.7 Promulgation of good practice

- 6.7.1 Part of the purpose of this code is to encourage continuous development and assessment of police practices relating to weapons requiring special authorisation, and to ensure that such developments are made available throughout the police service, including to those responsible at national level for evaluation and approval of weapons, tactics and training procedures.
- 6.7.2 For that purpose, even where a formal investigation under section 6.2 or 6.3 above is not required, chief officers of police should arrange a review or debrief following any operation where weapons requiring special authorisation have been used, where there is any reason to believe that such a review might identify improvements in procedures within the same force or in other forces.
- 6.7.3 In considering the need for such a review or debrief, the term 'use' of a weapon should be interpreted broadly, to include not only those cases where a weapon was discharged, but also those where the availability of weapons had a significant impact, whether adverse or beneficial, on the handling of the incident or on the reaction of the local community or others affected by it.

6.8 Reporting requirements

- 6.8.1 Under procedures applying until 31 March 2004 under the PCA, arrangements have been agreed with ACPO and the National Centre for Policing Excellence (NCPE) that they will receive the results of reviews described at Section 6.7. The chief officer should report the outcome of formal investigations to NCPE and ACPO.

- 6.8.2 Under the procedures applicable from 1 April 2004 under the IPCC, arrangements have been made that the chief officer should report to NCPE and ACPO the result of relevant police investigations or reviews, including police investigations supervised by the IPCC. In cases where the IPCC have undertaken the investigation themselves or have managed the police investigation themselves, the responsibility for passing information to NCPE and ACPO, and the chief officer involved, will rest with the IPCC.
- 6.8.3 ACPO and NCPE have agreed to ensure that any necessary action is taken as soon as practicable on such reports passed to them.
- 6.8.4 ACPO and NCPE have also agreed to ensure that, when appropriate, relevant information from such reports is made available:
- a** to those bodies involved in the accreditation of police training standards in the use of the relevant class of weapons or in the command of incidents involving their use;
 - b** to those bodies involved in the evaluation of new weapons and tactics; and
 - c** to those maintaining central records of the use, and the results of use, of weapons requiring special authorisation.
- 6.8.5 The detail required in such review and reporting procedures should reflect the seriousness of the incident.
- 6.8.6 Forces must maintain records of grants or refusals to grant authority to issue weapons requiring special authorisation, in accordance with guidance issued by HM Inspectorate of Constabulary. Their purpose is to record the operational use of such weapons, in such a way as to show the relative proportions of operations where such weapons are authorised but not used.
- 6.8.7 Chief officers should ensure that their forces maintain records of the selection, training, command, planning and deployment of police officers equipped with weapons requiring special authorisation.

6.9 Immediate reporting of safety-critical information

- 6.9.1 Given the contribution to the safety of police officers or the public which may result from lessons learned operationally, chief officers should establish and maintain procedures for the immediate confidential reporting to ACPO of important operational experience from such incidents.
- 6.9.2 This should include procedures to report failures or defects of munitions and weapons. Chief officers collectively will be responsible for arranging for the technical investigation of such matters.

6.10 Reporting details of recovered weapons

- 6.10.1 Chief officers of police should ensure that their forces comply with national requirements for reporting to central authorities the details of firearms recovered from criminals or others so that national databases relating to use of such weapons by criminals may be updated.

7. Communication and Information Strategy

- 7.1.1 Chief officers of police should ensure, in consultation with their police authorities, that their arrangements for the management of incidents involving weapons requiring special authorisation take account of the need to provide timely and accurate information to the media, local communities and, internally, to appropriate staff.
- 7.1.2 Incidents and operations involving weapons requiring special authorisation should be managed in a manner that recognises the benefits of involving others before, during and after such incidents. This may include the use of community representatives to take account of the potential impact as well as their involvement during the incident or in any subsequent investigation or review.
- 7.1.3 In doing so, chief officers will need to ensure that information provided is consistent with effective operational management, that risk of prejudice to possible future judicial or misconduct proceedings is avoided, and that sensitive operational information is not disclosed (see section 1.5 above).

7.2 Openness and accountability

- 7.2.1 Police authorities and chief officers should ensure that matters relating to police use of weapons requiring special authorisation are handled with openness to the media and the public. The degree of possible openness must be consistent with the need to retain the confidentiality of aspects of training, tactics and weapons, publication of which could compromise operational effectiveness. It must also take account of the views of the supervising authority for any related investigation, and the views of the Crown Prosecution Service where relevant.

