

Justice Sub-Committee on Policing

Armed police officers

Letter from HM Inspector of Constabulary in Scotland to the Convener

Terms of Reference for HMICS Assurance Review – Police Scotland Standing Firearms Authority

Please find attached for your information the Terms of Reference for the HMICS Assurance Review of the Police Scotland Standing Firearms Authority.

The Executive Lead for the Review will be Assistant Inspector of Constabulary Mr Andy Cowie, and Lead Inspector Dr Brian Plastow.

For your information the Terms of Reference will be placed on the HMICS website and released to the media today.

Derek Penman
HM Inspector of Constabulary
14 August 2014

HM Inspectorate of Constabulary in Scotland

Police Scotland – Standing Firearms Authority: Terms of Reference for HMICS Assurance Review



HM Inspectorate of Constabulary in Scotland

HM Inspectorate for 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.

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.

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

- 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 needs.²

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

² HMICS Corporate Strategy 2014-17

Our Review



Aim

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

Background

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 2013. The APP describes the legal framework within which firearms may be deployed by the police and is managed and updated by the College of Policing who also licence Forces to deliver associated training based upon this and the tactical guidance outlined within the National Police Firearms Training Curriculum. Police Scotland is required to follow national guidance through engagement with the College of Policing governance processes, and in line with recognised best practice.

Trained police firearms officers are given authority to carry firearms in response to a particular operational incident requiring an armed response capability, and on the authority of an appropriately trained senior officer. However, the APP also provides that a '*standing authority*' for the issue of firearms may be provided by a chief officer to officers engaged in specific duties where a threat and risk assessment deems this appropriate.

A standing authority allows trained firearms officers to carry a side arm on patrol, and is typically given for armed officers working on prolonged operations for which the issue and carriage of firearms is an integral part of those duties. Examples would include deployment at high-risk locations, when engaged in armed response vehicle duties, or when undertaking protection duties. The continuing need for a standing authority should be reviewed on a regular basis, at least annually in line with the force's *Strategic Firearms Threat and Risk Assessment* (FSTRA).

³ Authorised Professional Practice (APP) Armed Policing

Forces are required to produce an annual firearms strategic threat and risk assessment. The FSTRA will be reviewed every six months, but as a living document it should be monitored, reviewed and updated on a regular basis to ensure that it remains current⁴. The purpose of the FSTRA is to establish the operational requirements for the police use of firearms and less lethal options within the applicable force or region. The FSTRA will enable decisions to be made with regard to the appropriate:

- firearms deployment profile across the force (or relevant area)
- firearms capability
- firearms policy and training
- future demands and threats.

Prior to the commencement of Police Scotland, three of the eight legacy forces, (Strathclyde, Tayside and Northern) had granted Standing Authority to authorised firearms officers who were engaged on Armed Response Vehicle, (ARV) duties. In these forces, there were varying policies around the deployment and carriage of firearms.

At the commencement of Police Scotland in April 2013, the Chief Constable made an operational decision to give a small number of authorised firearms officers Standing Authority to carry firearms. Currently this accounts for 275 (1.6%) ARV officers out of the force establishment of 17,318. Some of these officers are engaged on ARV duties and provide coverage across Scotland. This decision was informed by a range of factors which included the legislative imperative⁵ to deliver equal access to specialist support and national capacity, and the Police Scotland position is that this was supported by a range of intelligence and threat assessments which included the FSTRA. Police Scotland has publicly stated that armed officers are “*police officers first and foremost*” and when not deployed in their specialist roles, they support local policing colleagues and can be deployed on regular patrols and operational tasks to keep people safe.⁶

⁴ 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-tra/> [Accessed 25 July 2014]

⁵ Police and Fire Reform (Scotland) Bill, Policy Memorandum, 16 January 2012: [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)

⁶ Armed Policing in Scotland – Facts Not Myths - <http://www.scotland.police.uk/about-us/police-scotland/armed-policing/armed-policing-in-scotland>

This decision has been the subject of substantial media coverage and has prompted significant local and national political interest.

At the 25 June Board meeting of the Scottish Police Authority, the Chief Constable gave a report on the Standing Firearms Authority.⁷ The report explained that the decision to implement the standing authority for ARV crews was 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 across the country and a range of prevailing intelligence and threat assessments.

The report also explained that the presence of suitably trained and equipped officers, capable of providing support across sometimes large geographical areas, was deemed necessary to protect the public and their unarmed colleagues during the rare occasions in which an armed response is required, and is an enhancement which protects both the public and police officers. It was also reported that there had been no increase in the number of Authorised Firearms Officers within Scotland as a result of the standing authority.

On 22 July 2014, Police Scotland invited 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.

The Chief Constable has confirmed publicly that in addition to considering the available information and intelligence, he will also take on board views and representations that have been made to Police Scotland in relation to this issue.

On 23 July 2014, the Scottish Police Authority issued a position statement in relation to the increasing public debate about this matter. The position statement acknowledged that public concerns, particularly in the north of Scotland, were real and observed that an on-going process of engagement was required to address them.

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

On 5 August, 2014, the Cabinet Secretary for Justice made a statement to the Scottish Parliament on Armed Policing. The statement acknowledged that the deployment of armed officers and the granting of standing firearms authority was an operational matter for the Chief Constable. It recognised that the Chief Constable was accountable to the Scottish Police Authority and that other safeguards existed through the Policing Sub-Committee of the Justice Committee, Police Investigations and Review Commissioner and HMICS.

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 firearms duties. An additional measure was agreed that should the number of 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.

On 11 August, 2014, HMICS met with members and officers of the Scottish Police Authority to brief them on the proposed terms of reference. Following discussion, HMICS agreed 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. It will also consider what lessons may be learned around communicating operational decisions.

SPA has committed to its own Scrutiny Inquiry, which will primarily focus on stakeholder views and the level of public concerns over the current Police Scotland policy in relation to the standing firearms authority. It will consider how Police Scotland can best address public concerns and provide necessary reassurance to communities. This Scrutiny Inquiry will be conducted independently from the HMICS assurance review, although HMICS will maintain engagement with SPA Scrutiny Inquiry members and officers to ensure that there is no overlap in terms of scrutiny.

Assurance Review – Terms of Reference

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

The terms of reference for this assurance review are designed to enable HMICS to independently assess the current practices by Police Scotland in relation to the Standing Authority for the Issue and Carriage of Firearms and provide assurance in terms of Police Scotland's compliance with the relevant guidance, procedures and recognised best practice.

This will include an objective professional assessment of whether the initial and current 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. It will also include an assessment of the views and information provided to the Chief Constable and the extent to which this, and the wider community impact, has been incorporated into the decision-making process.

We will review the current arrangements within Police Scotland for the deployment of authorised firearms officers with standing authority, and the policies and practice in terms of their support to local policing colleagues and deployment on regular patrols and operational tasks. This will be assessed against current guidance, procedures and best practice across the United Kingdom.

Given the commitment by the Chief Constable to provide quarterly updates on the number of officers deployed on firearms duties and provide notice where this routinely exceeds 2% of the force establishment, we will also review the processes in place to monitor and report against this.

Methodology

Our methodology will include:

- engagement with the Scottish Police Authority to understand key issues and concerns;

- liaison with the College of Policing and ACPO in relation to the Authorised Professional Practice (APP) for armed policing operations in the UK;
- review and assess the initial and current Police Scotland FSTRA, supporting intelligence and any other contextual data used to inform the decision making process;
- assess the views and representations provided to the Chief Constable and the extent to which this and the wider community impact and human rights legislation has been incorporated into the decision-making process.
- observation at the September meeting of the Armed Policing Monitoring Group when the Standing Authority is next due for review;
- review and assess Police Scotland policies, procedures and deployment criteria relating to firearms officers operating under the Standing Authority;
- identify legacy force policies, procedures and deployment criteria relating to firearms officers operating under the Standing Authority;
- benchmarking activity to examine the approach to the Standing Authority and deployment criteria for ARV officers in a range of UK police forces, to contrast and compare against national guidance and best practice;
- review how the decision-making in relation to initial Standing Authority was communicated to the Scottish Police Authority
- interviews and/or focus group with armed response officers and other relevant staff including the Chief Superintendent Operational Support Division, the Superintendent Armed Policing and the Chief Firearms Instructor;
- interview with the Assistant Chief Constable, Operational Support Division;
- review and assess the processes in place to monitor and report on the number of officers deployed on firearms duties and provide notice where this routinely exceeds 2% of the force establishment;
- determine wider UK assurance mechanisms and public reporting and statistical information in relation to armed policing.

Publication & Reporting Timescales

Our report will be published in terms of Section 79 of the Police and Fire Reform (Scotland) Act 2012.

A copy will be provided to the Scottish Police Authority to allow it to consider our findings and any recommendations at its public meeting in late October 2014. It is envisaged that our report will support the Scottish Police Authority in its wider scrutiny of armed policing.

A copy of the report will also be provided to the Chief Constable and the Cabinet Secretary for Justice and laid before the Scottish Parliament. A copy will also be made publicly available on the HMICS website.

The report will outline our methodology and approach, explain the FSTRA and Standing Authority in everyday language and report on our key findings, conclusions, and any recommendations. In terms of safeguards, the report will not contain any specific information on the intelligence, threat or risk products that we will have examined. However, it will provide assurance on whether or not operational decision-making has followed relevant UK guidance; and whether policy and practice is supported by the prevailing threat, risk and intelligence.

Derek Penman QPM
HM Inspector of Constabulary in Scotland
14 August 2014