



Staffordshire Police Equality Impact Assessment



The purpose of this EIA is to ensure you consider any equality issues as part of your decision making when developing / reviewing your policy / procedure.

Please complete the sections below and send to the Equality and Diversity unit to be quality assured. New / revised policies cannot be published on the policy database until the EIA has passed the quality assurance process.

Title of policy/procedure:	Firearms (Police Use Of) Policy
Department:	Operational Services Department
Date:	3 rd October 2013

1. Identify the aims and purpose of the policy

Staffordshire Police has a responsibility to protect the public and its employees from a firearms threat. The policy is intended to maximise the safety of the public and police employees, and to minimise the risk to them as a consequence of the carriage and possible use of police issued firearms. The policy and its procedures are designed to ensure that any action, including force used, is proportionate, reasonable, necessary and that only the minimum amount of force is used. The National Decision Making Model (NDMM) sets out the process by which a measured and appropriate response can be made to any situation involving conflict. Guidance on the management of armed officers is contained within Authorised Professional Practice (APP).

The manual highlights the importance of the professional responsibility placed on the Police Service to intervene in potentially violent situations to protect the rights of all persons, the need to ensure that human dignity and rights are upheld, and that firearms should only be operationally discharged when absolutely necessary. Staffordshire Police has a number of Authorised Firearms Officers (AFOs) who carry out a variety of functions including 24 hour patrol throughout the force area in armed response vehicles. Consequently, they are also in a position to respond immediately to a firearms incident.

The deployment of AFOs should only be authorised in the following circumstances:

- Where the officer authorising the deployment has reason to suppose that officers may have to protect themselves or others from a person who:
 - is in possession of, or has immediate access to, a firearm or other potentially lethal weapon, or
 - is otherwise so dangerous that the deployment of armed officers is considered to be appropriate, or
- As an operational contingency in a specific operation (based on the threat assessment), or
- For the destruction of animals that are dangerous or are suffering unnecessarily.

The law and regulations relating to the use of force for firearms are the same as all other areas of policing. They include:

- Section 3 Criminal Law Act 1967
- Section 117 of PACE 1984 (Police and Criminal Evidence Act)
- Common Law
- The Human Rights Act 1998
- Police Regulations Relevant to the Use of Force and Firearms

Considerable emphasis is now placed on the use of less lethal devices as an alternative proportionate response to the variety of incidents responded to. All AFOs are in possession of a Taser and one or more of the officers (dependant on how many are deployed to an incident) will have an Attenuated Energy Projectile less lethal weapon (AEP), or 'baton gun' as they are sometimes referred to.

The policy and the procedures set out the parameters regarding the police use of firearms within Staffordshire, from the initial deployment of armed officers, roles and responsibilities for the management of firearms operations through to a post incident procedure. Nothing in the policy overrides the fundamental duty of police officers to protect life in accordance with the law and the European Convention on Human Rights.

The aim of this Equality Impact Assessment (EIA) is to ensure that the firearms policy and its procedures comply with the Equality Act 2010, which combines all discrimination legislation. The legislation emphasises the need for Staffordshire Police to ensure the protected groups (age, disability, race, religion or belief, sex, sexual orientation, transgender) are taken into consideration and that no unjustified impact on any of the groups is created by the implementation of the policy and procedures.

2. Identify the individuals and organisations that are likely to have an interest in, or be affected by the policy.

The public in general, Staffordshire Police (both officers & members of police staff), HM Coroners, The Independent Police Complaints Commission, Her Majesty's Inspectorate of Constabulary (HMIC), The Judiciary, HM Courts and the Equality and Human Rights Commission (EHRC).

3. Data

Summarise the findings of any monitoring data / information which you have considered regarding the impact of this policy on people from all or any of the protected groups. This could include national or local data.

The aim of most firearms operations is to identify, locate, contain and thereby neutralise the threat posed. Use of the National Decision Model within the police service would normally aim to manage and minimise threats, the degree of threat justifying the deployment of authorised firearms officers (AFOs) means that resolution must be more robust to ensure no continuing threat exists.

Provisions for the use of reasonable force are contained within Common Law, S.3 Criminal Law Act 1967 and S.117 Police and Criminal Evidence Act 1984. The use of reasonable force receives both limitation and justification through the Human Rights Act 1998, which incorporates the European Convention on Human Rights (ECHR) into domestic law. Article 2 of the Convention is of particular relevance to firearms officers, and the aims of absolute necessity and proportionality contained in Article 2 requires an additional test of reasonableness over and above the previously mentioned legislation.

The Human Rights Act 1998 and ECHR enshrine the rights of individuals and protect them against abuse of power by public authorities acting on behalf of the state. All staff employed by the Police Service, whether police staff or police officers, are members of a public authority and are required to comply with the ECHR. As a public body, Staffordshire Police is liable for any convention breaches by its individual employees, although this does not change the liability of employees with regards to civil action or misconduct proceedings. The necessary engagement of, or interference with, any Human Right must be fully justified and recorded.

Those suspected of firearms offences may have the following ECHR interfered with. However, such interference can be justified under the Human Rights Act 1998 and UK domestic law:

Right to Life – armed subjects may need to be stopped by using such force as is necessary and as is reasonable in the circumstances. The right to life of the public at large, those under threat of firearms offences and Staffordshire Police officers and staff must also be considered.

Prohibition of Torture – officers have the option of using less lethal options than conventional weapons, such as Taser. This must be proportionate, legal and a necessary alternative to the use of lethal force within the National Decision Making Model to protect life or at incidents where officers are facing violence or threats of violence. The use of such measures are tightly controlled and audited.

Right to Liberty – subjects may be detained

Right to Privacy – subjects may need to be placed under surveillance, authorised in accordance with the law and local policy.

Interference is necessary and can be justified in order to protect the right of life of others. Under Article 2 of the ECHR, deprivation of life shall not be regarded as inflicted in contravention of this when it results from the use of force which is no more than is absolutely necessary in defence of any person from unlawful violence, but it

must be strictly proportionate to the achieving of aims. Article 2 also places a positive obligation on the State to take preventative measures to protect life.

Article 2 has particular relevance to the planning of armed operations. When police are deployed with firearms, the effectiveness of command and control of those officers will be taken into account. It is not just the officer who uses force who must explain and justify their actions. It will also be necessary to demonstrate that the operation as a whole was controlled and commanded in a manner that respected the requirements of Article 2. Consequently there is a need to give careful consideration about whether an incident can be dealt with without the use of lethal force. If lethal force is used, documentation must show that all other options were considered and the reasons why they were deemed inappropriate in the circumstances.

Officers involved in armed operations should be properly briefed, with only suitably trained and accredited officers being deployed. It is of great importance that proper consideration should be given to the need to avoid the risk of innocent persons being injured either directly or indirectly by the police, or by the subjects with whom they are engaged. Consideration must be made of the manner in which strict control was exercised in relation to the actual force used (as opposed to that anticipated when the operation was planned) to ensure the force was proportionate and no more than absolutely necessary.

3.1 Age

The decision to use a firearm is not in any way affected by any of the 'Protected Groups'. No equality monitoring information has been considered as the use of firearms has to be a proportionate response to violence offered by another person whether they are from a protected group or not.

3.2 Disability

As above.

3.3 Race

As above.

3.4 Religion or Belief

As above.

3.5 Sex

As above.

3.6 Sexual Orientation

As above.

3.7 Transgender

As above.

4. Research

Summarise the findings of any research you have considered regarding this policy for all or any of the protected groups. This could include information you have obtained from other sources e.g. ACPO, Home Office.

4.1 Age

The contents of the Armed Policing section of Authorised Professional Practice is regularly reviewed and updated with best practice. The responsibility for this is undertaken by the Association of Chief Police Officers (ACPO). There are also representatives from the Home Office Scientific Development Branch (HOSDB), Her Majesty's Inspectorate of Constabulary (HMIC), and the Independent Police Complaints Commission (IPCC).

4.2 Disability

As above

4.3 Race

As above

4.4 Religion or Belief

As above

4.5 Sex

As above

4.6 Sexual Orientation

As above

4.7 Transgender

As above

5. Consultation

Summarise the opinions of any consultation for all or any of the protected groups.

Who was consulted and how e.g. survey, discussion, forum.

If there was no consultation please justify why.

5.1 Age

No specific equality consultation has been carried out.

The training of firearms officers, the approval of weapons and ammunition and safety equipment relating to the issue and use by the police, is set at a national level

Any use of firearms as set out in the Authorised Professional Practice, to which this policy and procedures relate, are in response to violence offered which threatens the life/safety of the public and/or the police whether the individual is a member of one of the protected groups or not.

5.2 Disability

As above

5.3 Race

As above

5.4 Religion or Belief

As above

5.5 Sex

As above

5.6 Sexual Orientation

As above

5.7 Transgender

As above

6. Conclusions

Taking into account the results of the monitoring, research and consultation, set out how the policy impacts or could impact on people from the following protected groups? (Include positive and/or negative impacts)

6.1 Age

Internally: The role of an Authorised Firearms Officer (AFO) is physically demanding. AFOs are required to undertake an annual role-related fitness test as well as hearing and eyesight tests. These national standards are set to ensure that the ability of an authorised officer to carry out armed duties is authorised and as a consequence may have a negative impact on older officers who, over time might not be able to maintain those necessary high standards which are somewhat higher than those set to meet the requirements of normal policing. These requirements could potentially have a negative impact on older officers. The requirements are national standards and have been developed through a number of independent studies.

General: There has been no specific impact identified as a consequence of the implementation of this policy on people from any protected group. The police use of firearms is justified only to deliver a proportionate response to violence targeted at the general public or police officers.

6.2 Disability

Internally: Due to the sometimes quite strenuous physical nature of duties performed by AFOs whilst operational and during training, some officers may be unable to participate due to disabilities whether temporary or permanent. Firearms officers are required to achieve and maintain high levels of physical fitness. They are also required to undergo annual eyesight, hearing and fitness tests. In addition to this, officers with particular medical conditions (e.g. insulin dependant diabetes or heart complaints) are prohibited from applying for, or continuing with firearms duties. These physical, medical and mental health criteria are based on medical advice and national standards. They are designed to protect the health and well being of the officer, their colleagues and the public.

General: There has been no specific impact identified as a consequence of the implementation of this policy on people from any protected group. Staffordshire Police receive a significant amount of training in how to deal with people who may have learning disabilities or an issue relating to mental ill-health. Also, work has been done to educate and inform officers about how mental health and learning disabilities can impact on a person's interaction with an armed officer.

People from this category are referred to as Emotionally and Mentally Distressed (EMD). There are a number of considerations when dealing with an EMD individual. These include:

- Use of effective cover by Police officers;
- Evacuation of immediate area;
- Being prepared to back off (if safe);
- Giving available space and time to the subject when considering containment;

- Early negotiation or negotiation advice

6.3 Race

Internally: All officers are required to undergo the same selection procedures to become an Authorised Firearms Officer. The policy does not impact on protected individuals in this area as it simply requires officers to be able to meet certain physical and judgement making requirements.

General: There is nothing in this policy that will adversely affect anyone from this protected group. Armed Officers are deployed as a result of decisions made using the National Decision Making Model. Staffordshire Police do not target any individuals purely on the basis of their race. Should there be a firearms deployment that appears to have caused tension within a certain section of a community, then a Community Impact Assessment may be considered by the Tactical Firearms Commander.

6.4 Religion or Belief

Internally: Staffordshire Police has a duty of care towards its staff. Authorised Firearms Officers (AFOs) are required to wear ballistic body armour and helmets, protective eyewear and other protective equipment. Due to the dangerous nature of armed policing, this equipment / safety-wear must be worn by all officers in line with health and safety requirements. Any officer wishing to wear an item of religious clothing may do so as long as it does not interfere with the wearing of their protective clothing. Other than the above, there is nothing within this policy or its associated procedures that will impact on anyone because of their religion or beliefs.

General: There has been no specific impact identified as a consequence of the implementation of this policy on people from any protected group. There is nothing in this policy that will affect any person as a result of their religion or beliefs. All firearms deployments are carried out as a result of decisions made using the National Decision Making Model. Should there be a firearms deployment that appears to have caused tension, or as a consequence of violence based on religious beliefs, then a Community Impact Assessment may be considered.

6.5 Sex

Internally: All firearms officers are expected to undergo the same selection procedures and to reach the same levels of fitness in order to achieve and maintain a physical and mental status to enable them to carry and use firearms without endangering themselves, colleagues or the general public. Staffordshire Police hold familiarisation sessions for female officers who are interested in joining the firearms department. When we recruit new firearms officers, we involve SAWP (The Staffordshire Association for Women in Policing). Our policy on pregnancy states that an officer must inform her line manager immediately that she is pregnant. The role of a firearms officer is such that it would involve too much risk to her health and that of her unborn child. The officer would be removed from firearms duties during the pregnancy. There is nothing in the policy as to when an officer can return to front line duties after giving birth or suffering a miscarriage. Each case will be considered on an individual basis.

General: There has been no specific impact identified as a consequence of the implementation of this policy on people from any protected group.

6.6 Sexual Orientation

There has been no specific impact identified as a consequence of the implementation of this policy on people from any protected group.

6.7 Transgender

There has been no specific impact identified as a consequence of the implementation of this policy on people from any protected group.

7. Decisions

If the policy will have a negative impact on members of one or more of the protected groups, explain how the policy will change or why it is to continue in the same way.
If no changes are proposed, the policy needs to be objectively justified.

Staffordshire Police has a responsibility to ensure that there are correct firearms procedures implemented to ensure the safety of its staff and members of the public. Some potential impact on police officers has been identified but this has been justified in the relevant sections.

8. Monitoring arrangements

If the policy is new what consideration has been given to piloting the policy?
If monitoring is not already in place what arrangements have been made to monitor the effects of the policy on equality and diversity?

Armed Policing has been an integral part of operational responses to violence for many years. As a consequence there is no value in piloting this policy which has been reviewed and rewritten to take into account the latest training and operational requirements governing the arming of police officers and their deployment in that capacity.

Monitoring of individual officers is an essential element of armed policing to ensure officers maintain appropriate levels of fitness both physical and mental and this is carried out by Firearms Commanders in conjunction with Staffordshire Police Central Firearms Unit and the Force People Performance Assessment Unit.

This equality impact assessment will be published on the force website.

EIA Form Dated
01/11/11