

# Use of force, firearms and less lethal weapons

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Police officers are frequently required to deal with conflict situations. Many of these are resolved using well-chosen and appropriate words and by managing human interaction.

Others require varying degrees of physical force, including, on occasions, the use of firearms by authorised firearms officers (AFOs). This proportionate response is a well-established and necessary approach to managing conflict in a democratic society. Commanders and AFOs are trained to analyse and determine appropriate courses of action in the course of armed deployments.

This module details the general principles for the police use of force, firearms and less lethal weapons, the circumstances when weapons may be discharged, and the accountability of AFOs and commanders for their use. The overall context is set out within a human rights framework.

## Managing conflict and the use of force

The police service approach to managing conflict and the use of force is set out and directed by the:

- [United Nations basic principles on the use of force and firearms by law enforcement officials](#)
- [College of Policing \(2020\) Code of Practice on Armed Policing and Police use of Less Lethal Weapons](#)
- [Code of Ethics](#)

For further information [see legal framework for information on the law and regulations relating to the use of force.](#)

## Use of force and firearms

The carriage of firearms by a police officer or the presence of an armed officer does not, in itself, constitute a use of force.

When a police officer makes use of a firearm or less lethal weapon by deliberately pointing it or by discharging the weapon, for example, that will constitute a use of force for which the officer is both legally and organisationally accountable.

A police officer will be deemed to have used a firearm or a less lethal weapon when it is:

- deliberately pointed or aimed at another person
- fired at another person
- discharged in any other operational circumstances, including an unintentional discharge

## Reasonable force

When police are required to use force to achieve a lawful objective (for example, making a lawful arrest, acting in self-defence or protecting others) all force used must be reasonable in the circumstances.

If the force used is not reasonable and proportionate, the officer is open to criminal or misconduct proceedings. It may also constitute a violation of the human rights of the person against whom the force was used.

## Factors to assist in establishing whether a use of force is reasonable

- Is the use of force lawful? (Namely, is the aim one of those outlined in the Criminal Law Act s3, Police and Criminal Evidence Act or Common Law?)
- Is the degree of force proportionate in the circumstances?
- Were other options considered? If so, what were they and why were those options discounted?
- Was the method of applying force in accordance with police procedures and training?

## UN basic principles

According to the [UN Basic Principles](#) on law enforcement and use of force and firearms, law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means

before resorting to the use of force and firearms.

The intended result of police action (referred to in Article 4 of the basic principles) must be a lawful objective. Therefore, police officers must only resort to the use of force or firearms if other means remain ineffective, or there is no realistic prospect of achieving the lawful objective without exposing police officers, or anyone whom it is their duty to protect, to a real risk of harm or injury.

Officers must ensure that they make a record of the event in accordance with force policy, and comply with this APP and the Police (Conduct) Regulations 2020.

## Code of Practice

According to Article 2 of the UN basic principles governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms.

The [College of Policing \(2020\) Code of Practice on Armed Policing and Police Use of Less Lethal Weapons](#) provides the framework in which UK police forces are provided with the types of weapons and ammunition that would allow for a differentiated use of force and firearms.

The range of equipment available to police officers includes not only conventional firearms but also other types of less lethal weapons and munitions, some of 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 are required. The Code applies to all weapons requiring special authorisation, available to police forces now or in the future.

## Authority and discretion to use force and firearms

Authorised firearms officers (AFOs) are first and foremost police officers. In exercising the duties of the office of constable they have a personal accountability and responsibility for the protection of life and carrying out duties associated with that office.

In most situations it is the individual AFO who must assess the immediacy and proximity of the threat and make an operational decision on whether it is absolutely necessary to discharge a firearm or take other decisive action – see [deployment of AFOs](#).

## Individual responsibility and accountability

Each AFO is individually responsible and accountable for their decisions and actions, nothing can absolve them from such responsibility and accountability. This includes decisions to refrain from using force as well as any decisive action taken, including the use of force, the use of a firearm and the use of a less lethal weapon.

AFOs are answerable, ultimately, to the law in the courts. They must be in a position to justify their decisions and actions based on their honestly held belief as to the circumstances that existed at the time, and their professional and legal responsibilities. See [legal framework](#).

### **Influencing factors**

An AFO's appreciation of the critical nature of the situation may be informed by a combination of the following factors:

- their observation and assessment of the situation
- their perception of any real and immediate threat
- their understanding of the wider police operation
- information or intelligence that has been communicated to them
- any authorisation given to them

## **Considerations when the use of force is unavoidable**

According to the Article 5 of the UN Basic Principles on law enforcement and use of force and firearms, law enforcement officials should:

- exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved
- minimise damage and injury, and respect and preserve human life
- ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment
- ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment

## **Less lethal options**

NPCC has considered the issues associated with hierarchical continuums of force and has concluded that they are both operationally and legally inappropriate for adoption by the police service. Less lethal options are selected by officers having considered the capability, limitations and proportionality of the option in the prevailing circumstances. Many factors will impact on the decision and it is therefore not practical to pre-determine the most appropriate options as part of a continuum of force, namely to consider each option in strict hierarchy, in terms of an escalation of force, or to use each in turn on that basis until the objective has been achieved.

The availability of less lethal options can enable officers to resolve a situation prior to it becoming absolutely necessary to discharge a firearm, in order to save life.

The term 'less lethal options' refers to weapons, devices and tactics, developed and used to minimise the need for recourse to conventional firearms. It includes:

- less lethal weapons
- negotiation
- police dogs
- barriers to restrict or impede movement
- vehicle stopping devices
- tactics and devices designed to minimise the risks to a subject
- the range of tactical options set out in the [national Personal Safety Manual](#) (available via College Learn, which is an OFFICIAL-SENSITIVE online tool with access limited to [registered](#) users) and in the [APP on public order](#)

The police service has a range of firearms, less lethal weapons and technologies each of which have different purposes and characteristics and each may offer unique advantages in specific circumstances. Less lethal options should be considered in all police responses, including counter-terrorist operations.

## Less lethal weapons

Less lethal weapons will, where appropriate, be deployed alongside conventional firearms and other less lethal technologies and options available to firearms officers.

Less lethal weapons should not be regarded as a substitute for firearms.

Officers armed only with less lethal weapons should not expose themselves, or be exposed, to unnecessary risks in confronting subjects who may be armed with a firearm, or present a risk for which a less lethal response may not be appropriate. They may however still provide an additional use of force option where appropriate.

As no technology can be guaranteed to be non-lethal, NPCC, in conjunction with the Home Office, has defined less lethal weapons as weapon systems designed to be used by law enforcement directly against an individual or group of individuals to achieve a physical effect in order to mitigate a threat, without substantial risk to the subject of permanent or serious injury, or death. While the actual outcome may, on occasions, be lethal, this outcome is less likely than when conventional firearms are used.

## **Weapons approval**

Only less lethal weapons, including conducted energy devices that have been approved by the secretary of state, may be used by the UK police service. The evaluation and assessment processes for such weapons include, where appropriate:

- a needs analysis (based upon Strategic Threat and Risk assessment)
- determination of operational requirement
- independent (of the manufacturer) technical and medical assessment (to include capability, limitations, effect and lethality)
- operational performance trials

The processes will take into account relevant strategic, ethical, operational and societal issues, including an assessment of environmental factors.

See also guidance on [weapons and equipment](#).

## **The systems approach**

The term less lethal weapons is often used generically. The less lethal aspect does not, however, derive from the weapon or munitions alone but from the weapon system, and it is this which is evaluated on behalf of the secretary of state before the system is authorised for use. Typically, the system includes:

- the weapon or launch platform

- the sighting system
- the munitions
- the zeroing instructions
- maintenance and storage instructions
- APP and training standards

Any significant change (technical, physical or usage) to an approved less lethal weapon (or certain specialist munitions), can have implications on the less lethal nature of the system and requires Home Office approval.

As with all applications of force, there is a potential for unintended serious or even fatal injury, either as a direct result of an application of the weapon system or as a result of secondary injuries, for example, injuries caused by a subject falling. It should, however, be remembered that no weapon system, including conventional firearms, is universally effective and police may have to resort to a combination of tactical responses and use of force options in dealing with a situation.

## Command decisions

Commanders and authorised firearms officers (AFOs) are trained to analyse and determine appropriate courses of action in the course of armed deployments.

Commanders and those involved with the assessment of intelligence, provision of tactical advice and relaying of communications will be legally and professionally responsible for decisions that they make and advice, tasking or authorisations that they give. Any advice, tasking or authorisations, and subsequent action, must be 'reasonable in the circumstances' and where appropriate the test of 'absolute necessity' as required by Article 2 of the European Convention on Human Rights must be met.

Where a commander, on the basis of information and intelligence available to them, considers it necessary to constrain or authorise officers in respect of their use of force, firearms or any less lethal option, it is important that these decisions, and relevant constraints or authorisations, are communicated with clarity and in a timely fashion.

## Context in which command decisions are made

The context within which command decisions are made and any tasking or authorisations given to AFOs may include the:

- information available
- consequence and scale of the threat being addressed
- immediacy of the threat, including the assessment of capability and intent of the subject(s)
- command structures that are in place
- speed at which the situation is developing
- tactical options and contingencies available

## Command authorisation to use force

There are two circumstances in which a commander may authorise armed officers to discharge firearms.

- Access to decisive information – situations where the commander has access to decisive information that the AFO does not have.
- Rifle-initiated entry to save life – hostage situations where it is absolutely necessary in response to a real and immediate threat to life.

### Access to decisive information

A commander may have access to decisive information relevant to a real and immediate threat to life, of which an AFO who is operationally deployed would not be aware. A commander may not be able to pass this decisive information to the AFO for one or more of three principle reasons:

- the danger may be so real and immediate that there is insufficient time for a commander to fully brief an AFO on all available details
- a commander may be prevented by law from passing some or all of the information and its source (and therefore its quality and reliability) to the AFO
- the source of the information (and therefore its quality and reliability) may be so confidential that a commander may be unable to pass some or all of the information to the AFO

In these circumstances it may be necessary for a commander who has access to the whole of the decisive information (the 'bigger picture') to constrain or authorise an AFO.

The authorisation of a **critical shot** or a **conventional shot** is one of the most extreme decisions a commander can take. The circumstances in which a commander will authorise either a critical or a conventional shot are likely to be rare, and commanders must restrict themselves to the limited nature of their role in this regard.

In the absence of the circumstances and specific criteria described the decision to discharge a firearm, and to take a conventional or critical shot, should be made by an AFO, based upon their personal assessment of the circumstances and the nature and immediacy of a threat.

Therefore it is only when a commander has information which, for one of the reasons outlined, cannot be communicated to the AFO, that an authorisation will be required if the threat to life is real and immediate and a shot is absolutely necessary to defend another. In any other circumstance, it is the AFO who must decide whether to discharge their firearm or not.

On this basis, the conditional pre-authorisation, or introduction of a tipping point, at which a conventional or critical shot would be automatically authorised by a commander is inappropriate. Such a potentially complex pre-authorisation may not be accurately interpreted and any later redaction, misunderstanding or confusion could result in the unnecessary loss of life and subsequently deemed to be in contravention of the criminal law and ECHR.

## **Rifle-initiated entry to save life**

A commander may also authorise a **critical shot** or **conventional shot**, or coordinated shots by armed officers, in extreme situations where hostages are being held within a structure. This could apply whether or not the commander has access to decisive information. While this is most likely to involve rifle officers, it may be necessary and appropriate to authorise any armed officer with the necessary capability in the circumstances.

The authorisation for armed officers to shoot in these circumstances will lead to the use of potentially lethal force. This is distinct from a critical or conventional shot authorisation where the commander has 'decisive information'. Where practicable, the inclusion of this tactic or contingency should be approved by the SFC.

Such an authorisation could only be justified where there is a real and immediate threat to life posed by a hostage taker who has both the intent and the capability to kill, and where all attempts to resolve the siege peacefully have failed or are unlikely to succeed.

Whenever potentially lethal force is authorised or used, this can only be justified on the basis that the authorisation and use of such force is absolutely necessary to save life.

Where the criteria above are met, a shot – or multiple shots – may be authorised by the commander either in response to a need to effect an emergency entry or dynamic search of a premises, due to intelligence or actions by the hostage taker(s), or by way of deliberate action where it is absolutely necessary in order to enable an effective entry to save life.

The authorisation of a critical or a conventional shot is one of the most extreme decisions a commander can take. The circumstances in which a commander will authorise either a critical or a conventional shot are likely to be rare.

The commander who authorises either a critical shot or a conventional shot will be later required to justify the authorisation, while the AFO will be required to explain their individual response and any action taken. Post-incident responsibility and accountability rests with the commander for giving the authorisation and the AFO for their response.

## **Constraint and authorisation of action**

Where a commander constrains an AFO from discharging a firearm (or from taking other significant action which otherwise the AFO might have done in exercising the AFO's own independent discretion) the constraint may prevent loss of life or serious harm to others such as hostages or other persons at risk.

An authorisation from a commander to an AFO to discharge a firearm or take other decisive action may be necessary where a failure to take such action would result in a loss of life or serious harm. Such communication is an authorisation to use such force and not an order to do so. This is only likely to be necessary in the most extreme of circumstances, for example:

- the AFO has limited knowledge of the immediate threat to life or of serious harm
- the commander is aware of the immediate threat to life or of serious harm and
- the commander is either unable to pass the detail and the quality and reliability of that information to the AFO for the reasons given above or if able, any delay caused by attempting to fully brief the AFO may place life at immediate risk

Where command decisions are made to constrain or authorise the action of an AFO, the communication from the commander will form an essential part of an AFO's decision-making. Any authorisation from a commander to an AFO in these circumstances must be communicated with absolute clarity in terms of what is being authorised, including any time imperative.

If a commander decides that as a last resort a **critical** shot is absolutely necessary in self-defence, which includes the defence of another, a commander will communicate that decision to an AFO with the words, '**critical shot** authorised', and an AFO will be entitled to rely on them subject to whatever other information is available, principally that from the scene and that which can be seen by the AFO. Such a communication is an authorisation to use such force and not an order to do so.

If a commander decides as a last resort that a **conventional** shot is absolutely necessary in self-defence, which includes the defence of another, a commander will communicate that decision to an AFO with the words, '**conventional shot** authorised', and an AFO will be entitled to rely on them subject to whatever other information is available, principally that from the scene and that which can be seen by the AFO. Such a communication is an authorisation to use force and not an order to do so.

It will be for the commander who authorises either a **critical shot** or a **conventional shot** to later justify the authorisation, and for the AFO to explain their individual response and any action taken. Post incident responsibility and accountability rests with the commander for giving the authorisation, and the AFO for their response. For the authorisation or the use of force to be justified and lawful it must be in self-defence, or in defence of another and absolutely necessary.

## Tags

Armed policing