

Proposed changes to Government policy on firearms

The purpose of this paper is to put forth two proposals relating to Government policy on firearms. These proposals are not new, but have become increasingly relevant due to recent incidents of criminal firearms misuse, notably the serious injury of six people in Rochdale, Manchester, by a criminal armed with an assault rifle; the shooting of TV presenter Jill Dando; the amok gunman shooting in Feltham, London; and the assassination attempt on a retired IRA informer in England.

It must be noted that these are not “kneejerk” proposals. They are in fact in operation in far broader form in most European countries and also in Northern Ireland.

Proposal 1: Introduction on a limited basis of routinely armed police

There has been for many, many years an argument concerning the benefit of generally arming the police. This argument was largely academic until the late 1960s when armed crime began to show alarming increases. For example, initial Home Office statistics in 1969 indicated that there were 464 armed robberies in England & Wales. By 1994 that total had risen to 4,104. Although that total has since fallen (accurate comparison is not possible due to changes in the collection of statistics), a worrying upward trend is the actual discharge of firearms during the course of an assault, and the increase in the number of injuries caused with firearms during attacks. This represents a far more concrete indication of an increase in armed crime, because generally criminologists have accepted that a large proportion of armed robberies were conducted with replica and toy guns. However, the increase in recorded incidents of criminal injury from the discharge of firearms is of concern.

The police have taken a pragmatic approach to armed crime. Rather than simply arming all police officers, the police have instead set up specialised units who patrol in what are known as Armed Response Vehicles (ARVs).

While the use of ARVs has undoubtedly been beneficial in reducing armed crime, they suffer from limitations. The most noticeable and important is the response time. Almost invariably, the first responding officer to an incident involving an armed criminal is not armed with a firearm himself. The criminal therefore has a serious advantage over the officer, and the officer usually has to retreat and call for an ARV if the offender threatens the officer with a firearm.

This strategy in several recent cases has allowed the criminal to escape, or at least continue to threaten public safety for considerably longer than would have likely been possible if the first responding officers had been armed.

A prime example is the recent incident in Feltham. In this case, the perpetrator apparently had no intent to commit an offence such as armed robbery, instead using a firearm to resist arrest when confronted by a police officer concerned over a minor infraction of the law. In the event, not only did the subject initially escape, he also opened fire on police vehicles, threatened various members of the public, and finally took three people hostage after breaking into a house before armed police officers were able to storm the house and take him into custody. It does not take a great deal of imagination to realise this situation could have been incredibly bloody if the subject had been inclined to commit murder, armed as he was with an assault rifle and pistol, both prohibited weapons.

Notable is a 1996 Home Office report on the response of the Metropolitan and South Yorkshire forces to armed robberies. This report points out that of eleven incidents of police apprehension in South Yorks. of armed robbers, *none* involved the assistance of an armed response vehicle. All arrests by uniformed officers involved unarmed officers. This is despite the fact that the research indicates that a police response is significantly easier in Sheffield than would be the case in London, due to less traffic congestion. Clearly ARVs are not an overwhelming success.

While such incidents are of concern, it must also be noted that armed crime is not at a level that could justify the arming of all police patrol officers. The level of armed crime in Great Britain is higher than some other European countries with routinely armed police, but it is arguably not so high as to justify that policy.

Rather, what is proposed is an extension of the current policy.

Specifically:

- 1) The Home Office would identify three areas in which armed crime is most prevalent in Great Britain, to include not only armed robbery, but also drug-related offences.
- 2) In those areas, patrol officers would be given firearms training and equipped with sidearms for the purpose of a pilot scheme.
- 3) The Home Office would fund the scheme, and would closely monitor it, with periodic reviews every three months, to examine what if any impact it has had on armed crime; whether officers are coping adequately with the responsibility; and generally what deterrent effect, if any, there has been on crime.
- 4) At the end of the pilot scheme, if it is found to be beneficial, patrol officers in the three areas would be armed permanently, and the policy extended to other areas as warranted.

It is recognised that the Police Federation and the public at large have not generally supported the arming of the police with firearms. It is important therefore that any such arming be limited to only those officers operating in areas where armed crime is most likely to occur. A general arming of the police is unwarranted, would only alarm the public and waste scarce resources.

Proposal 2: Allowing the possession of firearms for personal protection under limited circumstances

Since the early 1970s, it has been the policy of the RUC with the consent of the Northern Ireland Office to issue firearm certificates to people under terrorist threat. The authority granted allows the possession of a handgun for personal protection. Currently about 9,500 such certificates are on issue, and in addition, the MoD issues authority to about 2,000 soldiers to possess a pistol for personal protection in Northern Ireland.

This practice is not inconsistent with the rest of Europe – virtually all EU countries have provision in their law for people to possess firearms for personal protection under certain circumstances.

This policy appears to have been successful in Northern Ireland, because even though armed crime is at a higher level in Northern Ireland, there have been apparently no incidences of a certificate holder being murdered.

However, since the early 1950s, the possession of firearms for personal protection in Great Britain has essentially been banned because of a policy of not granting firearm certificates for this purpose.

To have such an inflexible policy is unwarranted, as to every rule there are always exceptions.

Although terrorism is less prevalent in Great Britain than in Northern Ireland, it does exist. Animal rights groups, right-wing extremists, Irish republicans, and so on have all operated in the country and many have made death threats against certain people. Animal rights groups for example have attacked scientists engaged in medical experiments on animals. A recent incident involving the attempted murder of an IRA informer in the north of England is another example.

It is proposed therefore that a policy be adopted that under certain limited circumstances, a person should be able to obtain authority to possess a firearm for personal protection. In practice, the application procedure would operate in the following way:

- 1) A person who receives a threat against their life would have to report it to their local police; the police would investigate the threat to determine the circumstances and origin of the threat. Alternatively, there may be cases in which the police become aware of a threat to an individual's life, and advise them accordingly.
- 2) If the person threatened so wishes, they may apply for a firearm certificate for personal protection.
- 3) The local police will examine the application as required under current firearms legislation. They will make the determination as to whether the threat is bona-fide, and originates from a terrorist group or other covert criminal group whose modus operandi leads the police to believe that they may be dissuaded against an attack by an armed victim.
- 4) After satisfying themselves of the applicant's good reason, the police would refer the matter to the Secretary of State as required under Section 5(1) of the Firearms Act 1968.
- 5) The Secretary of State would review the evidence presented by the applicant and the police, and after satisfying himself as to the validity of the application, issue his authority to possess a pistol under the firearms legislation.

There may of course be calls for such a policy to be more wide-ranging than just terrorist threats. However, a death threat that originates from an individual or readily identifiable group of people can be tackled by the police through the enforcement of the law; terrorist threats are more insidious due to the secretive nature and in some cases the actual size of the organisation. In terrorist cases, the police may be unable to identify and arrest a perpetrator, which is why a person may need to be armed for self-defence.

It must be stressed that this is an extremely limited proposal; very few people indeed would be able to fulfil the application requirements. It is anticipated that the number of successful applicants under such a policy would be less than a thousand. (By comparison, there are about 7,200 police officers in Great Britain authorised to carry firearms).

However, the deterrent effect could be considerable. Terrorists would likely be far more wary of attacking an individual if they think there is a possibility of the victim being armed. Experience in Northern Ireland bears this out. Even if the majority of threatened people choose not to obtain a personal protection weapon, terrorists will not know who has and who has not. Such a policy could also lead to a reduction in terrorist attacks as death threats would essentially become empty threats without the will to carry them out.

There are those who would argue that such a policy could escalate violence; this has not been the case in Northern Ireland. When a policy of not allowing the possession of firearms for personal protection was adopted there in the late 1960s, attacks on off-duty police officers rose almost immediately and significantly. As soon as the policy was reinstated, attacks dropped.

This proposal should not be construed as allowing people to generally obtain guns for self-defence. Rather it is intended for people who may find themselves in an extraordinary and extreme circumstance.

Reference

Crime Detection and Prevention Series Paper 78 *Armed Robbery: Two Police Responses* by Roger Matthews, edited by Barry Webb, Home Office Police Research Group, 1996.