

**Equality and Human Rights Impact Assessment (EqHRIA)**

# Summary of Results

## Policy/Practice Name:

Criminal Use of Firearms Investigations National Guidance

## Owning Department: SCD – Organised Crime and Terrorist Investigation Unit

## Date EqHRIA Completed:

07/08/2023

## Purpose of Policy/Practice:

The purpose of the Criminal Use of Firearms Investigations National Guidance is to provide guidance to all members of Police Scotland on the subject of Firearms Investigations and Intelligence. Firearms enquiries can be complex and highly specialised matters which require an appropriate response from appropriately trained staff.

## Summary of Analysis / Decisions:

Identified that the guidance should be read in conjunction with:

* Crime Investigation Policy
* Serious and Organised Crime Policy
* Specialist Operations Policy
* Stop and Search Policy
* Armed Policing Policy

Protected characteristics

* The assessment found a Positive / Low likely impact considering General / Relevance to all. The Guidance will ensure Police Officers and Staff are able to recognise the correct procedures when investigating Firearms offences or criminality involving the use of a firearm, and adopt a consistent, appropriate, proportionate and professional response.
* There were no direct impacts identified to any group.

Human Rights

* The guidance was assessed as not applicable to Article 9 (Freedom of Thought, Conscience and Religion), Article (10 Freedom of Expression) and Article 11 (Freedom of Assembly and Association).
* The assessment found the guidance protective to Article 2 (Right to Life), Article 3 (Prohibition of Torture and degrading treatment), Article 6 (Right to a Fair Trial), Article 7 (No punishment without Law) and Article 14 (Prohibition of Discrimination).
* The assessment found the guidance Infringes Article 8 (Right to Respect for Private and Family Life) due to perceived infringement of a suspect’s right to Article 8 following execution of firearms warrants however it is covered and addressed by appropriate legislation and guidance which mitigates against any issues regarding this and ensuring persons understand their legal rights.
* The assessment found the guidance both Infringes and Protects Article 5 (Right to Liberty and Security), and Protocol 1, Article 1 (Protection of Property). The guidance document specifies legislation that should be followed and the police powers that should be deployed.

## Summary of Mitigation Actions:

* Owning department will monitor changes in legislation / circumstances which may affect the Guidance and assess how these changes may impact on the protected groups
* The Owner will monitor demographic data relating to the subject covered within this guidance and compare this with population scale demographic data when next reviewing this guidance, allowing for any trends to be identified which may indicate potential disproportionate impact for further exploration.
* The Owning Department will be responsible for the cyclical review of the Guidance and EqHRIA