

# Criminal Use of Firearms Investigations

National Guidance

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Owning Department: SCD – Organised Crime and Counter Terrorism Unit

Version Number: 1.00

Date Published: 08/08/2023

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## Purpose/Scope

The purpose of this document 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.

The document supports the Police Service of Scotland policies and standard operating procedures (SOPs):

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

## Police Powers and Legislation

### Search

Section 47(1) Firearms Act 1968

If any person is found in circumstances which give rise to suspicion as outlined above, officers should not approach or search a suspect without prior approval of an Initial Tactical Firearms Commander (Duty Officer, Service Overview East/West/North) who will assess if the criteria for deployment of armed officers is met.

### Search with Warrant

Section 46 Firearms Act 1968

No search of a premises should take place without prior consultation with a Tactical Firearms Commander (TFC), who must consult a Tactical Firearms Advisor (TFA) in order to assess if the criteria for deployment of armed officers is met.

### Obstruction

Section 46 Firearms Act 1968 (Sub section 5) (as amended by the Firearms (Amendment) Act 1997)

### Possession Offences

#### Firearms Act 1968

**Section Offence**

Section 16 Possession of firearm or ammunition with intent to injure

Section 16A Possession of firearm or imitation firearm with intent to cause fear of violence

Section 17 Use of firearm or imitation firearm to resist arrest

Section 18 Carrying firearm or imitation firearm with criminal intent

Section 19 Carrying a firearm or imitation firearm in a public place

Section 21 Possession of firearm by persons previously convicted of crime

#### Violent Crime Reduction Act 2006

**Section Offence**

Section 36 Manufacture, import and sale of realistic imitation firearms

### Questioning of Suspects

The Firearms Act 1968 does not empower officers to arrest the suspect for the purpose of questioning or interview; this would require an additional arrest under Section 1 of the Criminal Justice (Scotland) Act 2016. Any answers given to questions asked of a person whose liberty has been restricted is likely to be inadmissible until solicitor access process has been carried out in accordance with Police Scotland Solicitor Access Guidance Document. Any spontaneous admissions should be recorded.

## Stop/Search

### Roles and Responsibilities

#### Attending /Investigating Officer (AIO)

* Grounds for detention and search mustbe noted within the officer’s Mobile device/notebook, crime report, Standard Prosecution Report (SPR) and Police Statement where appropriate
* Officers should seek to establish the gender of the person prior to search. For guidance refer to the Police Scotland Stop and Search SOP.
* Where a firearm has been recovered it must be made safe by an Authorised Firearm Officer (AFO) or Scottish Police Authority (SPA) Forensic Services, Firearms Section prior to seizure with consideration being given to any future forensic examination.

Attending AFO will obtain images of certain criteria of firearms and any identifying features whilst the firearms is in situ, showing the surrounding area of the recovery (including packaging). No photographs will be taken if there is any risk of cross contamination or the integrity of the firearm for Forensics cannot be achieved.

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 30, Prejudice to effective conduct of public affairs.

* If unable to examine the firearm in situ, advice should be sought from SPA Forensic Services, Firearms Section. Firearms should not be marked for destruction until SPA Forensic Services, Firearms Section confirm this is the case.
* All searches mustbe recorded in accordance with Police Scotland Stop and Search SOP.
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#### SPA Forensic Services, Firearms Section

* Recognised by the courts as “Firearms Experts”.
* Provide advice and assistance to police operations at all levels in relation to correct procedure for seizure and examination.
* Produce evidential reports and provide testimony in relation to the classification of the firearm.

## Search Warrants

### Requests for Firearms Search Warrants

* During ‘normal’ working hours: Application made to Procurator Fiscal’s (PF) office using local arrangements.
* Outwith ‘normal’ working hours, the On Call PF should be contacted via the Duty Officer Service Overview (East/West/North) (See Section 9. Key Contacts).

### Obtaining a Firearms Search Warrant

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement.

The Warrants National Guidance provides guidance on all search warrants.

### Forced Entry to Premises

The Forced Entry and Insecure Premises SOP provides guidance on procedure for forcing entry to a premises.

### Roles and Responsibilities when searching premises with Firearms support

#### Officer in Charge (OIC) Investigating Officer

* Contact ACR to create STORM incident:
* Carry out procedure for search warrants.
* Secure the premises.
* Consider appointing Crime Scene Manager.
* Seek assistance from Scene Examination Branch (SEB) via Service Overview in relation to the photographing / of any suspected firearm recovered during the search (do not use personal mobile phones unless exceptional circumstances: See [Professional Standards Personal Mobile Phone Guidance](https://spi.spnet.local/policescotland/org-support/professional-standards/Pages/default.aspx)  for further advice).
* Contact SPA Forensic Services, Firearms Section for advice and guidance (see Section 9. Key Contacts)
* Consider forensic opportunities i.e. DNA, fingerprints and Gun Shot Residue (GSR).
* Appoint an officer to manage the schedule.
* Appoint a nominated productions officer.
* Ensure all productions seized are labelled, packaged and recorded appropriately in accordance with the Productions National Guidance.

#### Nominated Productions Officer

* Note any details on firearms i.e. make, model and serial number for evidence / intelligence.

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* Provide advice and assistance to police operations at all levels in relation to correct procedure for seizure and examination.
* Produce evidential reports and provide testimony in relation to the classification of the firearm

## Intelligence

All intelligence relating to firearms should be properly assessed in conjunction with all other available firearms intelligence relating to the subject(s).

Where there are potential officer or staff safety issues, Intelligence Managers should give consideration of disseminating the intelligence via Electronic Briefing, operational briefings, or where there is a real time requirement, via Lead Inspectors and Regional Overview Departments.

Where intelligence, regardless of its grading, is received in relation to the criminal use of firearms, their location etc. which in itself does not meet the threshold for obtaining a firearms search warrant for a premises, all other available intelligence should be assessed for other aspects of criminality i.e. Drugs, Stolen Property etc.

If intelligence exists which would merit application for a search warrant for other aspects of criminality any warrant application should also reference the existence of firearms intelligence. In these circumstances, where a search warrant for other criminality is granted, a Firearms Assessment Package should be created and submitted to a Tactical Firearms Commander (TFC) for consideration of firearms support for any search.

### Scottish Intelligence Database (SID) – Firearms Intelligence Admin

Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement.

### Police Scotland Firearms Threat Desk (FTD)

The Firearms Threat Desk is a dedicated intelligence resource based within the National Intelligence Bureau that continuously assesses the threat, risk and harm posed by illegal firearms and ammunition in Scotland. This is achieved by developing and reviewing all relevant intelligence and information, drawn from a range of sources, allowing for a strategic and tactical intelligence picture of the firearm threat, not only from within Scotland, but from a Global, European and United Kingdom perspective.

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### Firearms Assessment Nominal Profiles and TFC Assessment

For all pre-planned operations a Firearms Assessment Nominal Profile and TFC Assessment Form (Force Form 064-047)must be completed. Advice can be found within the Firearms Assessment Nominal Profile and TFC Assessment Form Completion Guidance, which is hyperlinked on the Form.

### Selector Forms (for submission by intelligence staff only)

Following the terrorist attack in Paris in 2015 at the offices of “Charlie Hebdo”, it was discovered that there was crossover between organised criminality and terrorism with regards to supply of weapons. As such, all UK Forces now share any ‘selectors’ associated with nominals involved with firearms with the Counter Terrorism Firearms Threat Centre, who then check all details against their systems to ensure any links are captured.

#### What is a Selector?

‘Selectors’ are any communication objects used by a subject e.g. telephone numbers, email address, online tags etc. that are documented on the Scottish Intelligence Database (or arising from enquiries with other agencies) for the subject within a period of up to three years.

#### When do I submit a Selector form?

* In relation to the supply and / or importation of firearms;
* All subjects flagged to an operation where the subject(s) seek to / or has possession of a firearm or is seeking to supply and/or import firearms;
* Possession and / or seeking to possess firearms;
* Registered Firearms Dealers;
* Possession of and / or seeking to possess precursor chemicals;
* Any arrests for firearm offences meeting the above criteria.

### National Ballistics Intelligence Service (NABIS)

NABIS is a UK wide network bringing together intelligence and forensic services from every UK Force to record the following onto a single national database:

* criminal use of firearms and ballistic material,
* recovery of all firearms and ballistic material,
* theft / loss of all firearms and ballistic material,
* recovery of all electric conductive devices;

The idea being that when firearms are recovered, the results of forensic analysis are quickly shared allowing early identification of weapons that have been used in multiple incidents (anywhere in the UK) as well as monitoring of any emerging trends around types of weapons being used by criminals or ensuring that methods of converting blank firing guns are shared nationally. The NABIS process is managed within Police Scotland at the National Intelligence Bureau (NIB).

#### When do I submit a NABIS form?

All enquiry officers involved in the recovery of a firearm (whether proactively or reactively) must check whether their seized weapon meets the NABIS criteria.As a guide, the following items should be made known to Police Scotland NIB:

* All firearms and component parts recovered as a result of police action.
* All firearms and ballistic items where no certificate is held for lawful possession, excluding Air Weapons
* All licensed firearms believed to have been used in crime
* All firearms and imitation firearms, including blank cartridge and deactivated firearms etc, which have been used in crime, or where there is intelligence to suggest that they have been used in crime (e.g. a soft-air gun used in an armed robbery)
* All ammunition where possession is subject to control under either Section 1 or Section 5 of the Firearms Act, 1968; except where lawfully held.
* Surrendered firearms where there is supporting information, intelligence or the circumstances give reasonable cause to suspect that the firearm may have been used for a criminal purpose.
* All ammunition including wadding from shotgun cartridges (i.e. plastic fibrous matter that is discharged with the pellets and often found at crime scene).
* Items covered under Section 5 Firearms Act (noxious sprays) not including those discharged by police officers in the execution of their duty.
* Recovery of Electric Conductive Devices
* Stolen or lost firearms.

#### When NOT to submit a NABIS form

The following weapon types no longer require a NABIS Notification Form (084 -016) to be completed before sending for examination unless they are involved in the commission of a crime (air weapon licence offences on their own are not sufficient to record);

* Air weapon (pistol or rifle);
* Carbon Dioxide (CO2) weapon (pistol or rifle);
* Airsoft weapons of any type (automatic / self-loading / single shot pistols or rifles);
* Replica or imitation firearms;
* Components of any of the above weapon types;
* Firearms which are surrendered and there is no information, intelligence and there are no circumstances which would indicate the item has ever been used for a criminal purpose;
* Firearms temporarily taken from registered firearm certificate holders while an investigation is on-going and there is no information or intelligence to suggest that the item has been used or could have been accessed for a criminal purpose.

Should one of the above weapons be submitted for examination without a NABIS Notification Form (084 -016) and it subsequently becomes apparent, following examination by a scientist (who has reason to suspect modification) or intelligence review by the Firearms Threat Desk, that a NABIS form requires to be completed - the enquiry officer will be contacted to raise a form retrospectively to ensure no opportunities are missed.

#### How do I submit a NABIS form?

All recoveries, thefts or loss of firearms and ballistic material must be reported to the NIB using Force Form NABIS Notification Form (084 -016).

All items must be submitted to the divisional production keeper who has been instructed not to accept items unless a NABIS notification form has been e-mailed to the National Intelligence Bureau.

An email copy of the notification form should be sent to the production keeper in order that they can be satisfied this has been done.

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## Proactive Investigations

All proactive investigations in relation to firearms offences should be assessed in relation to the risk posed by persons under investigation. If any pre-planned overt interaction or covert activity is proposed, on every occasion, a Firearms Assessment Package should be created and a Tactical Firearms Commander (TFC) consulted at the earliest opportunity, and prior to any interaction or deployment.

In urgent cases, or where spontaneous interaction or activity is required, no persons should be approached without prior approval of an Initial Tactical Firearms Commander (ITFC) (Duty Officer Service Overview) who will assess if the criteria for deployment of armed officers is met.

The Duty Officer (ITFC) should be briefed and provided with a copy of any Firearms Assessment package should they be required to authorise a firearms response to any spontaneous incident.

### Additional Proactive tactics to be considered

* Daily STORM review for preceding 24 hour period for all firearms incidents to assist in identifying any investigative / intelligence development opportunities (engaging with reporters, CCTV trawls etc.)
* Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement.
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* Liaison with United Kingdom Border Force (UKBF) via Firearms Threat Desk (See Section 9. Key Contacts) regards intercepted packages where Realistic Imitation Firearms (some of which are potentially capable of being adapted) to progress evidential search warrants for offences under Violent Crime Reduction Act 2006.
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## Reactive Investigations

### Firearm discharged during the commission of a crime

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### Recovered Firearms

* Where a firearm is recovered, an AFO must always be deployed to prove the weapon safe. When requesting the attendance of an AFO, requesting officers should be in a position to brief the attending officers on the circumstances surrounding the recovery of the weapon including all enquiries and intelligence checks carried out. This is to allow an assessment to be made on whether it will be required to be submitted for forensic examination.

This will also determine how the weapon will be packaged at the time of its recovery. AFOs are trained in the forensic seizure of weapons and will also photograph the weapon to share intelligence with ballistic and FTD.

In the event that AFOs are unable to make a weapon safe, officers should request SPA Forensic Services, Firearms Section to attend locus. Weapons should not be handled, or transported, until an AFO has made it safe or after discussion with SPA Forensic Services, Firearms Section.

Where there is a need to transport a weapon not made safe, a ballistic bag must be used. You should familiarise yourself with where these bags are stored by your local division.

* Where ammunition has been recovered, consideration should be given to the circumstances of the finding e.g. suspicious or quantity / type of ammunition.

If deemed appropriate, officers should request an AFO attend for further advice and / or the gathering of intelligence prior to forensically seizing the ammunition for examination by SPA Forensic Services, Firearms Section.

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### Discovered or discarded Firearms “Loft Finds”

On occasions where reports are made by persons discovering a discarded or secreted firearm during a property clearance / following death of a relative / weapon found in loft / general surrender etc. attending officers should make local CID aware and contact an AFO, as outlined above, to have the weapon proved safe and to obtain any initial identifying features.

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The initial attending officers should retain the weapon, once proved safe, and contact (Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement) with the circumstances via the email above (Do not mark for destruction at this time). (Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement) will liaise with SPA Forensic Services, Firearms Section who will decide whether or not to have the weapon(s) subjected to further examination

If further examinationis required, (Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement) will notify the enquiry officer who should complete an Examination Request Form, NABIS form and submit to SPA Forensic Services, Firearms Section.

If further examination is not required, (Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002 Section 35, Law enforcement) will notify the enquiry officer who should have the firearm marked for destruction, no other paperwork / action is required. It is good practice to obtain images of the weapon via the attending officers mobile device or from AFOs in attendance to send along to SPA / FTD along with the circumstances (Identifying marks or features, serial numbers, ammunition clip/barrel etc.). This can allow an initial assessment of the weapon by SPA and have a quick turnaround in decisions.

## Forensic Considerations

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## Key Contacts

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## Compliance record

EqHIRA completion/review date: 07/08/2023

Information Management Compliant: Yes

Health and Safety Compliant: Yes

## Version control table

| Version | History of amendments | Approval date |
| --- | --- | --- |
| 1.00 | Initial Approved Version | 07/08/2023 |

## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is considered when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, a Service Delivery Policy and Procedure Feedback Form (Form 066-014) should be used.