



# Investigators' checklist

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## Document information

<b>Protective marking:</b>	NOT PROTECTIVELY MARKED
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<b>Force/Organisation:</b>	NABIS – West Midlands Police
<b>NPCC Coordination Committee Area:</b>	NCOCC
<b>APP/Reference Material</b>	Reference Material
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<b>Review date:</b>	November 2017
<b>Version:</b>	1.0

This revised advice has been produced and approved by the NABIS and the National Criminal Use of Firearms Group. It has been approved by NCOCC and VPP portfolio lead. The operational implementation of all guidance and strategy will require operational choices to be made at local level in order to achieve the appropriate police response and this document should be used in conjunction with other existing Authorised Professional Practice (APP) produced by the College of Policing. It will be updated and re-published as necessary.

Any queries relating to this document should be directed to either the author detailed above or the Head of Knowledge and Communications at NABIS on 0121 626 7114

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## Investigators' checklist

This section provides investigators with a guide to help investigators respond quickly and effectively to firearm-related investigations and should be read in conjunction with [Gun crime](#), the [Murder Investigation Manual](#), other associated authorised professional practice and the [Home Office Guide on Firearms Licensing Law \(March 2015\)](#).

### Determine your scenes

One of the most important aspects of getting gun crime investigations correct from the outset relies upon you identifying the crime scenes, then securing and preserving them. Scenes can include any of the following:

- any place where a victim has sustained a firearms-related injury, irrespective of whether the victim is still there
- any place where the victim of a firearms-related injury is found or has been to prior to being found
- any place where a firearm has been criminally discharged
- any place where a firearm believed to have been used in crime is discovered
- any person who is the victim of a firearms-related injury or attempt to cause injury
- any person who has had physical contact with a person involved in recent firearm criminality as either an offender or a victim
- any place/vehicle where a person involved in recent firearm criminality has been
- Any firearm/ammunition/ammunition components believed to have been used or linked to crime.
- any other object damaged through the criminal discharge of a firearm
- the scene of any alleged suicide involving the use of firearms
- the scene of any alleged self-inflicted/accidental firearms injury
- any police vehicle or ambulance used to transport victims, witnesses, suspects.
- Any location where a firearm or ammunition has been unlawfully manufactured, converted or test fired.

## Secure and preserve your scene – getting control

The speed and extent to which you get control of your crime scenes is likely to have an impact on the overall effectiveness of your investigation (and subject to significant scrutiny at court)

- Provide, and record, clear instructions to officers/staff about scene parameters and method of securing them (cordon, lock down, removal, photograph, video).
- If a scene cannot be immediately secured because of an ongoing situation, instruct officers to record locations as precisely as possible (lamppost numbers, clear addresses or other fixed landmarks, aerial photography).
- Consider the safety of officers and staff working at a scene (consider requesting armed patrols/guards) as offenders may return.
- Your scene may be compromised if cordons are not wide enough to begin with. If you believe that cordons are insufficient to begin with, leave the first one where it is (for clarity and recording), but establish a wider one without delay, posting the cordon officers to the outside of the wider of the two.
- Consider specifically photographing cordons so you have a detailed record of exactly where they were placed.
- The target of the shooting may be easy to identify, from which you might be able to establish a general trajectory. Any cordon should go beyond the target and as far as is reasonable. For example, it might stop at a brick wall where there is no likelihood of ballistic material having travelled any further.
- Consider contacting a firearms forensic scientist as early as possible – they can help determine matters such as the scene and the size of cordons.
- Give early consideration to lighting and tenting (don't wait until you need it).
- Designate one access point, but ensure logs are maintained at every point of possible entry in the event of a breach.
- Define entry criteria (eg, not until X time, not unless accompanied by X, not without

express permission of X) and ensure staff on the cordon understand this.

- Remind staff to think about cross-contamination issues (consider also GSR/firearms officers).
- Where it is apparent that there is a firearm at the scene, do not rush to make it safe/recover it. Seek advice from a firearms expert, ensure staff on cordons and the public are kept away from the direction the weapon's barrel may be pointing (read [Gun crime](#) for additional considerations/options).
- Consider a PoISA search, beginning outside the scene to look for evidence of firearm discharge (cases, bullet fragments, cartridges, damage, and blood).
- Consider checking underneath vehicles and their tyres before they are allowed to move off from the scene (or from the vicinity) to prevent carrying off evidence (eg, bullet fragments).
- Consider using a firearms trained dog to identify firearms/firearm-related material.
- Ensure victims leaving the scene, to go to hospital or elsewhere, are accompanied by an officer so that you keep control of them, capture evidence and prevent cross-contamination.
- Commence house-to-house enquiries because, as well as yielding additional fast track actions, they may well identify additional scenes.
- Commence a CCTV trawl, working out from the scene(s). Urgent viewing may identify escape routes, vehicles used, items suspects have been in contact with and, therefore, additional scenes to secure and preserve.
- Any ambulance used to transport victims should be considered as a scene. Taking an ambulance off the road, however, may have serious consequences for the service. Any decision to do so must be taken in the context of the overall seriousness of the situation and in consultation with senior ambulance staff.
- If not already done, consider declaring a critical incident so you can draw upon additional necessary resources/support in securing scenes or preserving evidence.
- Where vehicles are involved and windows are smashed, consider obtaining photographs ASAP and, in any event, before moving them (it may help prove

trajectory later on) as it is likely glass will fall out and you will lose this opportunity.

- If vehicles have to be moved from the scene (eg, otherwise too dangerous to examine in situ), consider recording/marketing the position of seats, steering, mirrors and other items that might be altered if a vehicle is moved (all may help establish trajectory later on).
- Designate an exhibits officer to begin recording items already seized. Tell officers who, and where, this person is.
- Designate an investigator to collate all officers' and other statements that may have already been taken; these should be read by a PIP 2 officer without delay as they may help identify additional scenes (and other fast track actions).
- Remember that witnesses, particularly those classed as significant witnesses (ie, those who may have been, or claim to have been, an eyewitness or a witness to the immediate event in some other way, or those who stand in a particular relationship to the victim or have a central position in the enquiry) might also be a scene. You should consider matters such as clothing, GSR swabs, elimination prints and allocate an uncontaminated officer to them.
- Send investigators to any place where displaced persons (eg, residents or customers) may have been taken/sent to, and commence the process of identifying witnesses, in particular significant witnesses (ie, those who may have been, or claim to have been, an eyewitness or a witness to the immediate event in some other way or, those who stand in a particular relationship to the victim or have a central position in the enquiry).
- Send officers to secure and preserve evidence from any person arrested or taken to hospital. Consider a pre-transfused blood sample (note: it is the responsibility of the police to request an FME if no one at the hospital is trained), clothing, swabs for gunshot residue.
- If access to any victim/witness (not under arrest) in hospital is refused, inform staff clearly and honestly of the consequences of any such refusal, so they can inform the patient. If access is still refused, you must abide by this decision.
- Consider armed guards at hospital. Set strict parameters to avoid cross-contamination (see [Gun crime](#)).

- Do not be rushed to release your scene, you may have only one chance to get it right.

### **Recovering firearms**

The act of recovering firearms needs great care to preserve the forensic integrity while ensuring the safety of officers, staff and the public. Always consider the following:

- It is important that the condition of any firearm is recorded, if possible before it is recovered/made safe. A forensic firearms expert is best placed to do this, but in some circumstances it may be suitable to use a police firearms expert.
- Record, as far as can be observed, a full and detailed description of the firearm, including the apparent type/make/calibre.
- Photography of the weapon.
- Does the weapon have safety catches/devices? What position are they in?
- Does a revolver have a double or single action? In which position is the hammer set?
- Is there a round in the breech?
- In the case of revolvers, is there a round in the chamber aligned with the barrel? Consider marking this chamber.
- If there is a round in the breech (or chamber aligned to the barrel in the case of revolvers) and is it live or spent?
- Is the firearm loaded with additional rounds? In the case of detachable magazines, it is not desirable to remove the rounds from the magazine. This can be done at the laboratory at a later stage. In the case of integral magazines, each round should be removed and recorded as spent or unspent. If it was necessary to cycle the rounds through the firearm action to remove them, then this must be recorded.
- In the case of revolvers, each additional round must be removed and its condition, (spent/unspent) along with its position in relation to the top chamber (aligned to the barrel) must be recorded.
- See [Gun crime](#) for additional information that the CPS will require, often prior to any

charging decision being made, in relation to weapon-specific details.

### **Packaging firearms**

- **Guns and ammunition must never be packaged together.**
- Rounds in the breech, or chamber aligned to the barrel in relation to revolvers, must be packaged and exhibited separately. The condition (spent or unspent) must be recorded.
- Detachable magazines and ammunition can be packaged together if it is possible to ascertain how many rounds they contain.
- Integral magazines must be emptied but the contents exhibited together (where removing them requires them to be cycled through the mechanism, this must be recorded).
- In the case of revolvers, the condition and position, in relation to the barrel, of rounds removed must be recorded but, other than any round removed from the chamber aligned to the barrel, can be packaged and exhibited together.

Where there is likely to be a need to examine a weapon for trace evidence, the packaging must be contrived so as to minimise frictional contact with the weapon. Cardboard firearms boxes offer the best protection.

### **Swabbing firearms for GSR (gunshot residue)**

- Consider swabbing the inside of a weapon's barrel as it may provide evidence of GSR, indicating that the weapon has been recently fired.
- In relation to antique, reactivated or home-made weapons, GSR swabbing may provide important evidence that the weapon has been recently fired. This might be important in disproving associated defences.
- Swabbing the inside components may produce DNA trace evidence of the user,

supplier and others who may have handled the gun. It is also less likely for this trace evidence to have been disrupted at the stage the weapon may have been handled to make it safe.

### **How other ballistic material might help an investigator**

Even in the absence of a weapon being found at the scene of a crime, there may be other ballistic items/material that might help your investigation.

- Plastic wadding may identify if a shotgun was shortened (and potentially be matched with any recovered weapon), provide evidence of the gauge of the gun used and the make/type of cartridge fired. If found lodged in a victim or object, it may help a forensic expert better interpret the scene and the events that unfolded.
- Fibre wadding can help identify the gauge of the weapon used. If found lodged in a victim or object, it may help a forensic expert better interpret the scene and the events that unfolded.
- Shotgun shot, if found lodged in a victim or object, may help a forensic expert better interpret the scene and the events that unfolded. It can provide an indication of the type of cartridge used.
- Spent shotgun cartridges can provide important details of the weapon used and links to other crimes. They may also provide trace evidence opportunities.
- Bullet/bullet fragments can provide important details of the weapon used and links to other crimes. They may also provide trace evidence opportunities, particularly in respect of unidentified, but injured, victims.
- Spent bullet cartridge cases can provide important details of the weapon used and links to other crimes. They may also provide trace evidence opportunities.

### **Gunshot residue (GSR)**

The limitations associated with GSR in helping an investigation should not lead to complacency and it is important that you give it proper consideration.

- GSR may be able to assist in providing a better understanding of events within a firearm-related crime scene, but only with the help of a forensic firearms expert. Even then, however, there are limitations.
- Keep in mind that a person in close proximity to a shooter may themselves pick up GSR on their body (including their hands) and clothing.
- Remember that GSR can be transferred from person to person directly or even to a third party. Therefore, the relevance of any GSR found will need to be determined by a forensic firearms expert who will consider, amongst other things, the time between the incident and any swabs being taken, the lifestyle/occupation of the subject and any known contact with other items (eg, firearms) or other people (eg, subjects or firearms officers).
- Where GSR is likely to play an important evidential role in an investigation, you should ensure that any involvement of police firearms officers, for example access to the scene, suspects or victims, is accurately recorded.
- The greatest loss of GSR occurs within two hours of a shooting incident. You should, therefore, move quickly to obtain swabs if you determine them to be necessary.
- Do not allow firearms officers and/or their vehicles to be used to transport prisoners or suspects if at all possible.
- Those arrested for firearm-related crime should have their hands bagged to capture any GSR that may otherwise be lost prior to swabbing taking place. Where there is a delay in swabbing a suspect's hands, they should be placed into a dry cell to prevent washing.

### **Vulnerable persons – encountering certificate holders through the course of their duty**

Vulnerability linked to firearm ownership requires prompt assessment/action where and whenever it is identified.

- Encourage officers encountering certificate holders during the normal course of their duty to apply professional curiosity to the adherence to the conditions of the

certificate.

- Officers encountering a certificate holder during the normal course of their duty should consider any issues of vulnerability or risk associated with the certificate holder possessing weapons. For example, (and by no means an exhaustive list):
  - are they attending a domestic incident?
  - is there a risk of violence towards or from the certificate holder or any person they are closely linked to?
  - are there mental health issues within the setting that the weapons are located?
- Officers must never assume that vulnerabilities they identify were known at the time any licence was granted/renewed.
- Where it is clear to officers that any vulnerabilities/risks were known to licensing officers or staff at the time a certificate was issued or renewed, they do not have to agree that the person was, or continues to be, a suitable certificate holder and can ask for a review of their licence, or indeed, take any other action that may be required to remove any risk.
- Where vulnerabilities/risks are identified, officers should take immediate action to remove that risk. This may be through the seizure of weapons held by a license holder. All actions or non-action should be recorded, together with supporting rationale.
- Removal of weapons may take place through a voluntary surrender, as part of bail conditions, by an agreement to put them out of reach by storing them elsewhere, though the use of s17 (1)(e) PACE 1984, or through the use of a warrant obtained under s46 Firearms Act 1968.
- Where there are seemingly no lawful provisions that specifically allow for the seizure of such weapons but officers believe that continued possession of them poses a risk to life, then they must consider their duty to preserve people's right to life as prescribed by the European Courts of Human Rights Article 2 and feel empowered to take action as necessary to fulfil this obligation.
- There should be ready support for officers who have taken action to meet their obligation under Article 2, notwithstanding there being no other supporting statute for

their actions, if their action was necessary, reasonable, and proportionate and undertaken with openness.

### **Uncovering/identifying a gun hoarder**

Gun hoarders present a real risk to themselves, communities and officers. In every case where a suspected gun hoarder is identified, there must be a prompt and coordinated response. Treat it as a serious crime scene/investigation from the outset.

- Gun hoarders represent a serious danger/threat/risk and when identified should be immediately treated as a serious crime investigation.
- There are loosely three types of hoarder, the over-collector hoarder, the random hoarder and the criminal hoarder.
- All types of hoarder pose an increased risk of guns falling into criminal hands
- The address, or other location, used by a hoarder must be considered a serious crime scene – consider crime scene cordons (see advice on scenes).
- Contact must be made with the relevant counter terrorism hub in respect of any hoarder find for them to determine if it is likely to be a terrorism-related incident.
- A forensic firearms expert should always be considered.
- Advice should be sought from NABIS at an early stage.
- Hoarding scenes present a danger to all those who enter and must be dealt with carefully and methodically.
- There is a likelihood of explosives or other ordinance being found at hoarding locations, in which case the army Explosive Ordinance Disposal (EOD) team must be called.
- A strategy should be developed with the forensic firearms expert, EOD and SIO to ensure that evidence is captured in relation to any items that the EOD may need to destroy in a 'controlled explosion'.
- Where officers encounter certificate holders living in conditions that suggest they are a general hoarder, a review of their guns and licence should be undertaken.

### **Precursor events suggesting increased tension and subsequent criminal use of firearms**

Prompt identification and response to precursor events should be considered a vital element in protecting communities from harm.

- It is important that through daily management/briefing/tasking processes due consideration is given to identifying events that might indicate an increased risk of firearms use. While there is no set definition of a precursor event, they come in the form of any of the below (non-exhaustive):
  - Drug disputes
  - New drug markets (eg, crack houses) opening up
  - Drug market displacement (eg, appearance of criminals from outside the force area)
  - Migration and displacement of individuals linked to firearm offences from high gun crime areas to areas where this type of criminality is less prevalent
  - Aggravated burglary with use of a firearm
  - Territorialism within the force area (eg, postcode rivalries)
  - Music events — key nominals travelling into another force area to attend an event
  - An initial shooting in their own or other force area
  - Imprisonment of key nominal — leaving a void for others to fill
  - Key nominal released from custody.

### **Strategies for pre-cursor events (and firearm-related incidents)**

An effective investigation relies upon clearly defined strategies. Where you believe you have experienced a precursor event there should follow a multi-disciplinary/agency meeting to determine the appropriate response. You should consider the following strategies:

**Intelligence collection** which may include:

- NIM products
- threat assessment
- key individual networks
- independent advisory groups
- family liaison officers

- CHIS
- social media
- response to disruption notices
- prison debriefs
- prison intelligence
- lawful intercept
- intelligence products from linked investigations
- house-to-house enquiries
- CCTV trawl
- public appeals
- promoting Crimestoppers
- tasking neighbourhood patrols.

**Prepare strategy** which may include:

- declaring a critical incident to enable clear governance and appropriate resourcing
- sharing intelligence across departments
- commissioning detailed intelligence products (operational intelligence summary /operational intelligence assessment) to include geographic information (deposition sites, escape routes, enforcement cameras and CCTV locations)
- establishing patrol strategies for armed officers
- flagging of key nominal/locations/vehicles
- updating community threat assessment
- briefing strategic partners (CPS)
- Trigger plans in place for responding officers
- Domehawk<sup>®</sup>-style camera deployment
- pre-emptive CCTV trawl/assessment

- covert options.

**Prevent strategy** which may include:

- closure orders
- criminal behaviour orders
- ASB orders
- gang injunctions
- imposing/enforcing bail conditions
- arresting suspects for any outstanding matters
- service of threat to life/disruption notices
- target hardening (crime prevention design advisers)
- high visibility patrols
- deployment of knife arches
- deployment of multi-purpose police dogs
- mediation processes
- media messages
- gun surrender initiatives
- review/revocation of firearm licences.

**Protect strategy** which may include:

- threat to life/disruption notices
- investigation anonymity orders
- [UK Protected Persons Service](#)
- treat calls as urgent flags
- target hardening/personal attack alarms
- high visibility targeted patrol
- covert options.

**Pursue strategy** which may include:

- appoint an SIO
- appropriately trained investigators
- media strategy
- early engagement with CPS
- covert options, eg, green room tactics.

### **Witness issues/considerations**

You must give a great deal of consideration to how you are going to identify witnesses, encourage and support them to give evidence and keep them safe.

- It is very likely that a witness to a shooting will fit the criteria for classification as a significant witness and should be treated as such.
- Do not assume that witnesses to firearms offences will be willing to make themselves known to detectives; they will often be fearful of doing so.
- Witnesses may choose to provide information anonymously (for example, through Crimestoppers). This may generate intelligence graded as D2. D2 intelligence should not, therefore, be overlooked on the basis of its grading. It is important for those providing it to see action taken in order to build their confidence/willingness to come forward in the future.
- Targeted house-to-house enquiries provide an opportunity for witnesses to speak to the police without being seen to have made the approach themselves.
- Do not make any offer of anonymity/immunity. See [Gun crime](#) for advice/information on investigation anonymity orders and the application process.
- Remember, witnesses of firearms offences are very likely to fulfil the definition of significant witnesses (ie, those who may have been, or claim to have been, an eyewitness or a witness to the immediate event in some other way or those who stand in a particular relationship to the victim or have a central position in the enquiry).
- Where there is a perceived threat to life to a witness, threat to life guidance must be followed. Additional support/advice is available from the UK Protected Persons Service (UKPPS) via Regional Organised Crime Unit and National Crime Agency.

### **Surviving victims**

Surviving victims are likely to be able to provide you with the best evidence, but conversely are likely to be the least willing to do so.

- If you have a victim that has survived a shooting, always consider safeguarding issues, threat to life guidance and the UK Protected Persons Service.
- If the victim has previous convictions (or links to criminality), you should involve/engage with offender managers at an early stage to develop a strategy aimed at preventing them becoming a repeat victim, or themselves a perpetrator of gun crime in the future.
- You must ensure those working with the victim in an offender management/family liaison capacity are sighted on threat risk and harm, including safeguarding measures arising from a threat to life assessment.
- A threat to life assessment must be undertaken of those directly related or associated with the victim (eg, close family, cohabitees, neighbours, associates, and other gang members).
- You must consider child safeguarding measures in relation to any child that may be at risk if the victim continues to be at risk. This includes their own children, children sharing the same house or those of other potential victims/targets. If you are in any doubt, seek advice from your child protection staff.
- If your victim is at hospital, there may be a continued risk to them, medical staff and officers. Consider this risk carefully, requesting the support of armed police (through your usual force processes) to guard and protect the victim and others as necessary.
- Set armed guards very strict parameters so that any risk of cross-contamination (GSR, suspect to victim or victim to suspect) is managed.
- Do not involve armed officers in handling exhibits or seizing them from the victim.
- Hospitals do not have to allow you access to a victim if the victim refuses to be seen (subject to them not being under arrest). Medical staff will, however, explain to a patient the consequences of not speaking to the police if asked to do so. Therefore, you should ensure any request for access to a victim (verbal or otherwise) includes details of the potential consequences (eg, additional targeting of the victim/others, loss of evidence). The patient's decision is, however, final and must be adhered to.

- Hospitals will notify the police of any person admitted with firearm injuries. This does not, however, mean they will provide the patient's personal details. These will only be provided with the patient's consent or if hospital staff determine there is a public interest in doing so (see [Gun crime](#)). As above, it does not mean that you will be allowed access to the patient.
- Swabbing a victim for gunshot residue is best done within two hours of a shooting incident, but do not disregard it even more time has elapsed.
- It is useful to remind medical staff to avoid cutting through holes in clothing caused by bullets or shotgun shot.
- If medical staff intend to remove ballistic material from a victim, and it is possible without compromising treatment, recommend that they use plastic forceps due to the malleable nature of the material and the likelihood that future ballistic examination (of marks, for example) may be compromised. It is unlikely that they will have plastic forceps immediately available, so police forensic examiners may have to provide them.
- For more general victim-related advice, please refer to [Gun crime](#) and the Murder Investigation Manual.

### **Deceased victims**

- For more general information about postmortem examinations, please refer to [Gun crime](#) and the Murder Investigation Manual
- It is preferable to have a deceased victim swabbed for GSR at the scene, prior to movement.
- You should consider calling out a forensic firearms expert and forensic pathologist to help interpret the scene. Their joint attendance is beneficial to the work of both experts.
- Where it is not possible to swab a deceased victim at the scene, consider bagging their hands to capture any GSR that may otherwise be lost in transportation/recovery processes.

- If bodies need to be removed from a scene, ensure continuity is provided from the scene to the mortuary for identification purposes.
- If possible, request that bodies are taken to a forensic-enabled mortuary which has radiological facilities to hand.
- In addition to a forensic pathologist, it is always advisable to have a firearm forensic scientist present at a postmortem examination to advise each other.

### **The movement, supply and trafficking of firearms**

The ability to track supply routes and respond to intercepted parcels can enable police forces to reduce the risk of harm and identify those involved in serious crime.

- You should seek advice from the UK Border Force (via NABIS) in relation to all firearm importation/smuggling enquiries if you suspect importation.
- The Firearms and Explosives Officer (FXO) Network of the National Crime Agency's Border Policing Command is continuously engaged in enquiries within the UK firearms import supply chain. These officers may have significant information in respect of individuals, supply chain relationships, key knowledge of certain firearm types or historic transactions and discrete information in respect of specific firearms imports and transfers.
- FXOs also perform the function of single point of contact for all declared imports of captured enemy equipment, operational memorabilia and private souvenir antique firearms imported by MOD from overseas operations since 1998.
- Cheaper weapons, eg, converted blank firearms, reactivated firearms, antique weapons, are less likely to be re-used than 'status weapons' such as sub-machine guns. There should, therefore, be greater investigative emphasis placed on pursuing a status weapon to prevent further harm. It is essential to work with NABIS, the National Crime Agency, Border Force and other forces given the likelihood for a status weapon to travel extensively.
- NABIS provide a firearm tracing service which can provide the history of weapons if the serial number is known. They can also, in some circumstances, attempt to

recover serial numbers where they have been removed to fulfil this purpose.

- Understanding the history of a weapon can help investigators understand the point at which a weapon moved from lawful to unlawful hands and address the points of vulnerability.
- Where a weapon is intercepted/identified travelling through a postal/courier network, investigators must investigate both where it came from and where it was going.
- In respect of UK and NI domestic purchases only, certificate holders may only purchase weapons in a face-to-face transaction; they should not be receiving weapons directly through postal/courier services.
- Individuals and registered firearms dealers may import firearms from outside the UK with a firearms specific import licence or, in some cases, by presenting their licence to HM customs in lieu of an import licence. This allows for firearms to be delivered directly to an individual or a dealer's address. There are generally five methods of firearms, both legal and illegal, coming through the UK ports:
  - an accompanied parcel, eg, carried by an individual typically as part of roll-on/roll-off freight
  - a parcel via a traditional postal system
  - an unofficial courier (eg, a man in a van)
  - fast parcels
  - other parcel courier.
- Parcels moving into or out of the EU must be accompanied by a declaration certificate containing a description of contents, value and whether they are commercial items or gifts.
- Parcels moving within the EU do not require declaration certificates.
- The UK Border Force monitor the movement of parcels passing through UK ports and have various methods to identify parcels containing firearms, component parts and ancillary items (indicative parts).
- Where UK Border Force identify or intercept a firearm/component part, they will check for an appropriate import licence and also check the National Firearms Licensing Management System (NFLMS) to establish if the recipient is a certificate

holder.

- Where it is believed or suspected that the parcel is an illegal importation or destined for criminal hands, the UK Border Force will make a referral to the National Crime Agency's international crime team (ICT). The NCA (ICT) will make an assessment and then send the referral to the most appropriate force for actioning.

### **When a parcel has been intercepted**

An intercepted parcel offers a great deal of opportunity to identify and disrupt trafficking routes, identify those involved and reduce the risk of harm.

- Actions to be considered upon receiving an NCA (ICT) referral include
  - a firearms licensing visit if the person is a certificate holder, but it is suspected that they attempting to import firearms they were not entitled/licensed for
  - an immediate firearms warrant where there is additional supporting intelligence
  - undertaking a controlled delivery where there is an investigative imperative to identify the recipient.
- Controlled deliveries must be managed by an SIO experienced in crimes in action. Border Force can provide additional support/information in respect of carrying out controlled deliveries.
- SIOs must ensure that all aspects of a controlled delivery are properly authorised and consult with their covert authority bureau as appropriate.
- There are generally two types of controlled delivery calling for different levels of authority and carrying different levels of risk. A plain-clothes police officer knocking on the door, with or without a nondescript parcel, to simply secure a response and get confirmation from the occupier that they are the person named on the parcel (albeit, the name may be fictitious) and that they were expecting a delivery. This is then usually followed by the immediate execution of a search warrant. Alternatively, an undercover officer purporting to be from a courier firm deployed to deliver the actual or substituted parcel with no other immediate action other than capturing evidence of the recipient. This may be supported by other covert and/or undercover

tactics.

- Controlled deliveries should involve a substituted parcel wherever possible rather than using the actual intercepted item. This is to reduce the risk of a firearm being lost or causing injury. In addition, it may be that the parcel will need to be subjected to trace evidence recovery processes which might be compromised.
- Any decision to use the actual intercepted parcel in the course of a controlled delivery is likely to be a rare occurrence, but when it does occur, SIOs must ensure that policy decisions, rationale and safeguards are fully recorded using the National Decision Model.
- Where an ongoing criminal investigation is aware that illegal firearms or parts are coming through the ports, and stopping any vehicle involved is likely to compromise a serious organised crime investigation, the SIO should notify Border Force at the appropriate level.
- SIOs investigating illegal firearm importation should always check flagging via the NCA to ensure that any Counter Terrorism, or other interest, can be de-conflicted.
- Indicative parts are items that are legal to purchase and import but might indicate that the recipient is involved in criminality or has illegally held firearms. An example might be a Glock® handgun holster or grips. Given the uniqueness of such items, it might suggest the recipient possesses a Glock® handgun.
- Where an indicative part is identified, Border Force will, in addition to intelligence checks, check the NFLMS to establish if the intended recipient is a certificate holder. Where there are suspicions that the part is indicative of criminality, a referral is made to the National Crime Agency (ICT) for allocation.
- It is imperative that the National Crime Agency (ICT) and NABIS are notified of any action taken in respect of a referral relating to an intercepted weapon, part or indicative part. It is also imperative that they are notified of the final outcome of any action taken.

## **Deactivated weapons**

While there are numerous legitimate reasons to own/possess a deactivated weapon, they can and do fall into criminal hands.

- Deactivated weapons are largely indistinguishable from those capable of firing.
- Many deactivated weapons will have a proof mark, but this should not lead to complacency in the handling of the weapon, which could be capable of firing.
- The requirement for a deactivated firearm to carry proof house marks certifying deactivation is an evidential provision only, and firearms deactivated by other means may well no longer fulfil the definition of a firearm and thus no longer require domestic authority to possess/acquire/sell etc. These weapons may not have a proof house mark.
- Depending upon when they were deactivated, some weapons are more easily reactivated than others.
- Some reactivation processes require only everyday, readily available tools.
- Reactivation practices can be carried out almost anywhere and do not necessarily require sophisticated workshops.
- Section 21 of the Firearms Act 1968 (disqualification from possessing firearms having been sentenced to the relevant term of imprisonment/suspended sentence) does not apply to properly deactivated weapons.
- It is still possible to commit a range of offences under the Firearms Act 1968, for example, possession of a firearm or imitation firearm with intent to cause fear of violence contrary to Section 16A.

### **Antique weapons**

There are many collectors and enthusiasts of antique firearms. Unfortunately, however, there are also many who exploit the legislation in order to claim legitimate ownership when in fact they are criminally motivated.

- It is lawful to possess antique firearms if they are kept as a 'curiosity' or 'ornament'. The Firearms Act 1968 does not, however, provide a definition of either term.
- When investigating matters involving antique weapons, seek early advice from NABIS/forensic firearms expert.

- The status of an antique firearm is usually based upon the requirement for obsolete ammunition or the technical obsolescence of the weapon itself.
- There is much evidence that the law in respect of antique firearms is being exploited by criminal gangs and they have been, and continue to be, used in criminality including homicides.
- Section 21 of the Firearms Act 1968 (disqualification from owning firearms owing to imprisonment) applies to the possession of antique weapons.
- Most antique firearms used in crime are revolver-type weapons and therefore do not eject cartridges. Therefore spent cartridges are less likely to be found at the scene of a crime.
- Multiple purchases of the same type of antique firearm might be an indicator that the weapons are more likely to fall into criminal hands and any such intelligence should be explored and developed further.
- The moment an antique firearm is used in circumstances other than an 'ornament' or 'curiosity' it ceases to benefit from antique classification and becomes a weapon requiring the necessary certificate.
- Notwithstanding a firearm's status as an antique, it remains a firearm for the purposes of offences under the Firearms Act 1968.
- Where a non-licensed person has possession of an antique firearm or firearms and also equipment for making ammunition, this should be assessed as a potential major crime scene. Advice and guidance should be immediately sought from a forensic firearms expert.

### **Questions for an investigator to put to a suspect claiming an antique weapon defence**

Asking probing questions in respect of possession of antique weapons, may close down the options for a suspect to claim lawful possession.

- Is the gun displayed on a wall or cabinet as an ornament/curiosity? If not, it may weaken any such claim.
- Does the person have a genuine interest in firearms? Are they a licensed gun owner?

- Is there any other evidence of a genuine interest in antiques/antique firearms such as magazines, membership of relevant organisations or other associated paraphernalia? It might not be unrealistic to expect to find such material in the case of someone innocently possessing an antique firearm.
- Does the person possess multiple weapons of the same type? Unless a person is a trader, or the guns are particularly valuable or unique, it might be unusual for an innocent person to own more than one of the same type of weapon.
- Is the person disqualified from possessing firearms owing to having been sentenced to a term of imprisonment (including suspended sentence) of three months or more? If so, they cannot possess an antique weapon for any reason.
- If the person has ammunition suitable for the weapon (a forensic firearms expert will be required to establish this) and is not appropriately licensed, then they cannot rely on the antique status of the weapon as a defence.
- If a person is found with an antique weapon in public, does the reason given align with the weapon being held as an ornament or curiosity? Are they travelling to or from a show/exhibition? Have they recently purchased it (where/when/receipts)?
- Does the person have component parts/equipment for making ammunition? For example, reloading press, powder measures, digital callipers/scales bullets, cases, propellants. If so, serious consideration should be given to calling out a forensic firearms expert and investigating it as a major crime scene.