

BRIEFING NOTE

Date: 12 December 2003

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| Title | Briefing Note on the Instigation and Conduct of Firearms Amnesties |
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| Summary | Advice and guidance on gun amnesties |
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INTRODUCTION:

1. At a recent gun crime strategy meeting, the question of undertaking a gun crime amnesty on a borough level was raised. SCD3(1) has been tasked to examine the issue and prepare a briefing note in response. This paper discusses the authority needed for a gun amnesty, and at the process involved in conducting it. Additionally, we have taken the opportunity to review some of the outcomes of the latest national gun amnesty held in April 2003 with the intention of identifying the issues to be taken into account when considering initiation of an amnesty. This briefing note has been prepared by the Specialist Crime Policy Unit following consultation as described in the body of the text.

RECOMMENDATIONS:

- a) Although they offer reassurance to the public and do remove potentially lethal weapons from circulation, gun amnesties have little impact on gun crime. Amnesties are not attractive to criminals who use firearms. The MPS at corporate and borough level should consider the relative merits of different approaches to encourage criminals to surrender their firearms, for example an open-ended policy to enable criminals and / or their friends and family to give up weapons. Alternatively, planned pro-active operations that combine robust targeted enforcement with an opportunity to surrender guns might be viable alternatives to conventional amnesty.
- b) In future amnesties, additional arrangements should be made to allow timely forensic examination of weapons surrendered.



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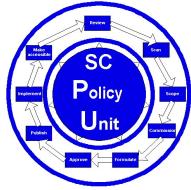
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EXECUTIVE SUMMARY:

2. Research conducted in the course of preparing this briefing note indicates:
 - a) There is no statutory basis for holding a gun amnesty. An amnesty is an agreement between the Attorney General (A-G), the Crown Prosecution Service (CPS) and a Chief Officer not to prosecute individuals for offences of simple possession of firearms for a predetermined period.
 - b) There is precedent for arranging both local and national amnesties. National gun amnesties were held in 1996 and 2003, and Lambeth Borough (Brixton) held a local gun amnesty in November 1997. Amnesties tend to be arranged in response to a particular problem or incident, or to a change in the law.
 - c) The consent of the Attorney General must be obtained through the Public Order and Crime Unit (POCU) at the Home Office. While ministerial authority is not required, ministers will be consulted and will have an opinion.
 - d) Amnesties are not attractive to criminals who use firearms, and they have had little impact on levels of gun crime.
 - e) Amnesties do not generate a good response in areas where there is animosity or distrust between police and the community, and there is evidence that they can generate media criticism.
 - f) Amnesties are not an effective means of obtaining forensic evidence.

DETAIL:

3. There is no legal basis for an amnesty. MPS Legal Services state that an amnesty is an agreement between the Attorney General, the CPS and the police that no prosecutions for simple possession will be pursued for a specified period. The offence is still committed. However, an investigation should be initiated in cases where the surrendered weapon has been identified as having been used in crime. The POCU at the Home Office will approach the A-G on behalf of the police service to seek his agreement. Any approach from the MPS for a local amnesty must be at a very senior level, although there is no stipulation as to who should make the approach. In any event, the MPS Management Board will wish to be aware of any proposed amnesty.
4. There is precedent for holding local gun amnesties within the MPS and in other forces. A local amnesty was held in Lambeth Borough (Brixton) in November 1997. The amnesty was declared in response to three gun related deaths and the expressed wishes of the community to remove the threat of gun crime from the streets of Lambeth. National amnesties were held in 1996 and 2003. Both were held in response to particular events or circumstances. The 1996 amnesty was declared in response to the Dunblane school massacre, while the 2003

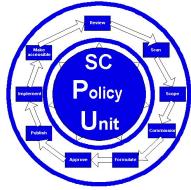


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amnesty was declared in response to the murder of two girls in Birmingham and increasing national pressure to tackle gun crime.

5. The case for an amnesty must be compelling and detailed. Local amnesties tend to be more complex and more factors need consideration, including political implications at both national and local level, community views, media impact and the perceived message being sent to criminals and the public. National amnesties are less of a political problem because they tend to be driven by government. Any request for agreement to an amnesty should be addressed in the first instance to POCU at the Home Office. The Home Office view is that it does not wish to be seen to stand in the way of police and / or community initiatives in respect of gun crime reduction. Ministers at the Home Office will be consulted on all requests and state their views on the matter. Following consultations, the Attorney General alone can agree to a gun amnesty. Arrangements for conducting an amnesty are clearly laid out in the MPS operation order for the April 2003 firearms amnesty.
6. Amnesties are not attractive to criminals who use firearms. The FSS London Laboratory states that most weapons surrendered in the two recent national amnesties are 'attic guns', that is disused weapons that have not been fired for a very long time. The FSS cannot recall any weapon used in crime being identified in post-amnesty examinations. In the 2003 national amnesty, a total of 3,189 weapons were surrendered in the MPS. 753 prohibited weapons and 2,436 non-prohibited weapons were surrendered. The total includes 776 imitation firearms. Overall, the MPS percentage of the national figure for prohibited weapons was 11.5%, while the MPS accounted for 6.5% of the non-prohibited weapons and 8.2% of the imitation firearms surrendered nationally. Further analysis of the 2003 amnesty is included in the Appendix to this briefing note. Since firearms used by criminals tend to be prohibited and imitation weapons and there were more prohibited weapons handed in to the MPS than non-prohibited firearms, the surrender rates do suggest that the amnesty did remove some weapons from criminal use. However, the Operation Trident tactical assessment for the period immediately following the 2003 amnesty shows a sharp increase in Trident-related gun incidents. There is no suggestion that the amnesty was in any way responsible for the increase, but clearly it had no short-term limiting effect on the cyclical level of gun crime in London.
7. Amnesties do not produce an encouraging response in areas where there is animosity or distrust between police and the community. The average number of weapons handed in across the 32 boroughs (excluding Heathrow) was slightly less than 100 guns per borough.¹⁵ Boroughs exceeded the average, but 17 boroughs were at or below the average. Four of the six Trident hotspot boroughs, Brent, Hackney, Newham and Southwark, were below the average. Lambeth was above average and Haringey within 10% of the average. Lambeth had higher numbers of non-prohibited and imitation weapons surrendered but fewer



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prohibited weapons, whereas Haringey had above average numbers of prohibited and imitation weapons surrendered. The response in Lambeth can be attributed to collaborative police and community initiatives, along with media interest created by activists keen to rid the streets of guns. However, the number of prohibited weapons surrendered in Lambeth was disproportionately low. The stronger than anticipated response in Haringey can be attributed to a highly publicised increase in shooting and gun crime within the Turkish community. The response in Newham and Southwark in respect of the number of prohibited weapons surrendered was high compared to their overall low response.

There was a disappointing response in Brent and Hackney, both areas with high levels of gun crime. The number of prohibited and imitation weapons surrendered was very low. By way of comparison, the response in Tower Hamlets and Lewisham was also poor, while Ealing and Croydon both had above-average returns. (See Appendix). Experience in other forces, notably Bedfordshire, has shown that an amnesty can be effective in sensitive communities. The Bedford amnesty produced moderate results, but it was decided to leave collection bins in place for an indefinite period after the formal amnesty ended. As a result, many more firearms and other offensive weapons have been surrendered over a considerable period. As a final point in this section, press and media coverage of previous amnesties has been less than supportive, and in some instances highly critical. Some interpretation, and sometimes misrepresentation, of results and media reporting of the aims of amnesties highlight the need for very careful consideration of media strategies when planning gun amnesties.

- Amnesties are not particularly effective in terms of obtaining evidence through forensic examinations. Of the 3,189 weapons surrendered in the MPS, some 300 were submitted to SCD4 at Amelia Street for fingerprinting and DNA swabbing. SCD4 selected 130 of these weapons for further examination and test firing by the Forensic Science Service (FSS) London Laboratory. This means that only 4% of the guns surrendered in the MPS will eventually go for FSS examination. The Evidence Recovery Unit and FSS London Laboratory have an agreement that the 130 weapons will be submitted 10 at a time to be test fired and evidential comparison. So far only 6 weapons have been submitted, but none have yet been examined. This is a result of FSS personnel being tied up with other commitments and the necessary prioritisation of work relating to live investigations. There is no timescale for completion of the examinations for amnesty weapons and precedence will continue to be given to examination of weapons involved in current prosecutions. Apart from the time taken to examine the guns recovered, the cost for examining weapons is a factor that should be taken into account when considering local amnesties. The cost for examining a simple weapon is £273, rising to about £500 for a more complicated one. Any gun that has been converted, such as a Brocock, is considered complicated. The Evidence Recovery Unit states that most amnesty weapons fall into the simple



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category, but the realistic average cost is £350 per gun examined. The cost for the 130 guns awaiting examination can therefore be estimated at £45,500.

CONCLUSION:

9. Gun amnesties never fail to generate political, public and media interest, both positive and negative, and they do result in the surrender of a great many firearms and large amounts of ammunition. They are relatively easy to instigate, but they need consultation at high level and are subject to the formal agreement of the Attorney General. Experience shows that the most enthusiastic response to gun amnesties is found in relatively law-abiding communities, although there are indications in places like Lambeth that there is an underlying willingness among certain sections of the community to surrender weapons that might end up being used irresponsibly or in crime. This is a factor that warrants further study, and which suggests that there are opportunities to be exploited.
10. The objectives and expectations of an amnesty should be clearly stated at the outset. There is no evidence to show that gun amnesties contribute to a reduction in levels of gun crime, or that they produce forensic evidence to indicate that weapons surrendered have been used in crime. The FSS does not have the resources to examine all weapons surrendered in local or national amnesties.
11. Amnesties are best received in communities with high levels of gun crime where there are joint police and community initiatives and media interest, and where there is a popular focal point. However, where there are no initiatives or media interest, the response tends to be poor. To obtain a good response in an amnesty, there is a need to seek the active support of the community, and to publicise the anti-gun message through the media.
12. Finally, the principles of a gun amnesty as a mechanism to allow members of the public, criminal or otherwise, to dispose of weapons safely and without formalities are worthy of application to other long- and short-term strategies to remove guns from criminals.



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Appendix to SCD3(1) Briefing Note on Gun Amnesties

A brief statistical analysis of firearms surrendered in April 2003 gun amnesty

Throughout the UK (except N Ireland) 43,908 guns were surrendered. Of these 6,529 were prohibited weapons, and 37,379 were non-prohibited weapons, including 9,480 imitation weapons.

In the MPS, 753 prohibited weapons and 2,436 non-prohibited weapons were surrendered, a total of 3,189. This represents 7.25% of the national total. A total of 776 imitation firearms (i.e. Non-firing, blank firing, air soft, and deactivated) were surrendered. The MPS percentage of the national figure for each category is:

| | |
|----------------|-------|
| Prohibited | 11.5% |
| Non-prohibited | 6.5% |
| Imitation | 8.2% |

The average across the 32 boroughs (excluding Heathrow) is slightly less than 100 guns per borough, representing 3.3% of the MPS total. 15 of the boroughs achieved at least the MPS average.

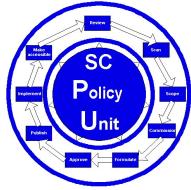
Of the 17 boroughs were at or below the average. Of these, 14 were significantly (i.e. at least 10%) below the average. Four of the six Trident hotspot boroughs are within this category. Lambeth borough is above average, and Haringey is within 10% of the average. The remaining boroughs at least 10% below the average for the MPS are mostly inner-city, with the exception of Merton. Lambeth and Wandsworth boroughs, both with significant inner-city areas but also with areas of affluence, both exceed the average.

Trident hotspots:

| Borough | Total | Prohibited | Non-prohibited | Imitation |
|-----------|-------------------|------------------|----------------|-------------------|
| Brent | 65 (2%) | 10 (1.3%) | 55 (2.5%) | 13 (1.6%) |
| Hackney | 42 (1.3%) | 14 (1.8%) | 21 (0.85%) | 2 (0.25%) |
| Haringey | 94 (2.9%) | 30 (4%) | 64 (2.6%) | 29 (3.75%) |
| Lambeth | 108 (3.4%) | 10 (1.3%) | 98 (4%) | 45 (5.8%) |
| Newham | 69 (2.1%) | 32 (4.2%) | 37 (1.5%) | 12 (1.5%) |
| Southwark | 56 (1.75%) | 21 (2.8%) | 35 (1.4%) | 5 (0.6%) |

Comparison with selected non-hotspot boroughs:

| Borough | Total | Prohibited | Non-prohibited | Imitation |
|---------|-------|------------|----------------|-----------|
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| Croydon | 184 (5.75%) | 42 (5.5%) | 142 (5.8%) | 46 (5.9%) |
| Ealing | 117 (3.6%) | 36 (4.8%) | 81 (3.3%) | 25 (3.2%) |
| Lewisham | 59 (1.85%) | 15 (2%) | 44 (1.8%) | 17 (2.2%) |
| Tower Hamlets | 42 (1.3%) | 19 (2.5%) | 23 (0.95%) | 4 (0.5%) |

Of note in the tables above are the variations in the percentages of imitation firearms surrendered in the hotspot boroughs – a high proportion being handed in Lambeth compared to a disproportionately low number in Southwark (but also note the disproportionate number of imitation weapons surrendered in Tower Hamlets).

Haringey has above average numbers of both prohibited and imitation weapons surrendered, whereas Lambeth has higher numbers (in fact above average) of non-prohibited and imitation weapons deposited.

Examination of the July 2003 Operation Trident tactical assessment shows that the rate of shooting incidents for the three months following the amnesty actually increased by 21% on the previous three months. During the amnesty month itself, there was an increase in the number of Trident recorded incidents of 91% over the previous month. While there is no suggestion that the amnesty was in any way contributory to this increase, which seems to be an indication of the cyclical nature of gun crime, the figures are a strong indicator that the amnesty did little to remove guns from criminal use.

There are some encouraging observations to be made on the statistical data produced by the 2003 amnesty. The relatively strong response in Lambeth, in particular in respect of imitation weapons, can be seen as a vindication of joint police and community initiatives. Media interest in the borough, largely generated by community activists, is no doubt a significant factor in getting the anti-gun message across. However, the number of prohibited weapons surrendered in Lambeth was low.

The relatively good response in Haringey coincided with a highly publicised increase in shooting and gun crime within the Turkish criminal fraternity. Here too the number of prohibited and imitation weapons, i.e. those most associated with criminal use, was relatively high.

In Newham and Southwark the number of prohibited firearms surrendered was higher than might be expected given the overall poor response.

The most disappointing response was in Brent and Hackney, both areas with a significant level of gun crime, where the overall response was very poor. In particular the number of prohibited and imitation weapons surrendered was very low.