



Crime and Policing Bill – Anonymity for Firearms Officers

House of Commons Report Stage Briefing

June 2025

Introduction

1. JUSTICE is a cross-party law reform and human rights organisation working to strengthen the UK justice system. It is the UK section of the International Commission of Jurists. Our vision is of fair, accessible and efficient legal processes in which the individual's rights are protected, and which reflect the country's international reputation for upholding and promoting the rule of law.
2. INQUEST is the only charity providing expertise on state related deaths and their investigation. For four decades, INQUEST has provided expertise to bereaved people, lawyers, advice and support agencies, the media and parliamentarians. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving multi-agency failings or where wider issues of state and corporate accountability are in question such as the Hillsborough disaster or Grenfell Tower fire.
3. JUSTICE and INQUEST are deeply concerned about clauses 134 – 137, introduced at Committee, which would provide anonymity for firearms officers in criminal proceedings. We consider that these clauses will critically undermine principles of open justice, freedom of the press, and public confidence in policing, particularly amongst those most impacted by police use of force. We are also concerned that the provisions, as currently formulated, will impact the ability of the press and the public to scrutinise other legal proceedings, such as inquest and/or misconduct proceedings, following an acquittal. This briefing sets out our concerns in more detail.

Overview of Clauses 134 – 137

4. **Clause 134** creates a presumption that courts must withhold the name, address and date of birth of any firearms officer charged with a “qualifying offence” involving the discharge of live ammunition, unless disclosure would be in the interests of justice. It also requires courts to give

a reporting direction to prevent the officer being identified by the public, unless doing so would be contrary to the interests of justice. In addition, clause 134 empowers the courts to make an anonymity order, requiring specific measures to be taken to conceal the officers identify in court. **Clause 135** allows the court to preserve or re-impose anonymity after conviction while an appeal is pending.

5. **Clause 136** defines a reporting direction for the purposes of the Bill, as a direction that bars the publication of any matter likely to lead to the officer's identification. Clause 136 (2) specifies that in particular this may include the officers name, address, place of work, photographs or videos. **Clause 137** sets out the kinds of measures that may be required to be taken under an anonymity order. This includes screening or voice modulation so that the officer cannot be seen or recognised by the public in court, though the judge and jury must still be able to see and hear they natural voice.
6. Anonymity ceases on conviction and sentence or, where relevant, when an appeal is abandoned or dismissed. However, if an officer is acquitted or the charges are dropped, anonymity, including restrictions on reporting, can persist indefinitely.¹ Taken together, the measures in clauses 134 - 137 provide a sweeping privacy regime that applies from charge onwards, irrespective of the actual risk posed to the officer, and is capable of lasting for years, or in cases where the officer is acquitted or the case discontinued, forever.

Open Justice and Press Freedom

7. Open justice is the cornerstone of our legal system. It ensures that cases going through the courts are subject to public scrutiny, and that justice can be seen to be done. This is crucial for maintaining confidence in the system, especially in cases involving agents of the state. Granting blanket anonymity to firearms officers reverses the ordinary rule that justice is conducted in public with named defendants. This risks undermining the legitimacy of proceedings and fuelling the perception that processes for holding police officers to account lack transparency.
8. Requiring the court to impose reporting restrictions in cases involving firearms officers, save where this would be contrary to the interests of justice, will significantly impact the ability of the

¹ See clause 136 (5).

press to meaningfully report on such cases.² Clause 136 allows for a wide range of important contextual information to be kept from publication – including the officer’s workplace. There is a clear public interest in details such as these being subject to scrutiny, so that any patterns in where and in what circumstances these cases arise can be identified and examined.

9. Moreover, clauses 134 – 136 enable broad restrictions to remain in place for the entirety of the criminal process, including the appeal period, by default. Whilst a judge can intervene to vary or revoke a reporting direction where necessary in the interests of justice,³ there is no requirement that directions be time-limited, or subject to mandatory review. Where an officer is acquitted or the case discontinued, unless the court has specified otherwise, reporting restrictions will remain in force indefinitely,⁴ meaning that crucial details about the case may never be reported on.
10. These provisions represent a significant curtailing of media freedom that is hard to reconcile with Article 10 of the European Convention on Human Rights. Interference with media freedom must be necessary and proportionate - Strasbourg caselaw is clear that only the narrowest possible restrictions will be permissible.⁵ The proposed reporting restrictions are unlikely to meet these requirements, especially as they apply irrespective of whether there is an actual, identifiable risk to the officer involved.

Equality Before the Law

11. The regime established by clauses 134 – 137 would mean that firearms officers are provided with additional protection, over and above those afforded to members of the public who are accused of committing crimes. By shielding firearms officers from the scrutiny ordinary defendants are subject to, there is an obvious risk of these measures creating a perception, and justifiably so, that there is “one rule for them, and other for us.”

² JUSTICE and National Union of Journalists, [Letter to the Home Secretary re Anonymity for Firearms Officers](#) (May 2025).

³ Clause 136(3) and (6).

⁴ Clause 136(5).

⁵ For overview of case law see [Guide on Article 10 of the European Convention on Human Rights: Freedom of Expression](#), pp. 20-26.

12. Met Commissioner, Mark Rowley has recently supported calls to share more details about suspects with the public earlier, stating that any risk that this creates needs to be confronted.⁶ This recognition of the importance of transparency is difficult to square with increased privacy for officers accused of crimes. It is vitally important for public confidence that the law is seen to apply equally to all. These provisions threaten to undermine this, and increase tensions between the police and the public, at a time when confidence in policing is low.⁷
13. Finally, there is no justification for this differential treatment. We are not aware of any evidence that police officers as a group are more likely to be subject to harm because of being identified as a defendant in a criminal case, as compared with defendants in other high-profile or controversial cases. The criminal courts can already grant anonymity to defendants where necessary. This case-by-case approach allows the courts to respond to specific risks posed to individuals and represents a more proportionate way of safeguarding defendants – including police officers.

Impact on Victims

14. We are concerned about the impact these provisions will have on victims and bereaved families. For families, learning who pulled the trigger is integral to truth-seeking and, for many, to psychological closure. These provisions suppress that information by default and offer families no formal voice when anonymity is decided. Moreover, clause 94 empowers the courts to put in place additional measures to ensure that an officer's identity is withheld from the public, including bereaved families, during court proceedings.
15. INQUEST have previously highlighted the benefit to bereaved families of seeing key witnesses giving evidence, including enabling more trust in the investigation, having the opportunity to see and understand the body language of a witness, and seeing those involved in a death explaining their actions being held to account. Concealing the identity of a defendant from the victim or their families should be a measure of last resort. It should only be permissible in cases where a real risk of serious harm to the defendant can be identified, and the victim or their family has had the opportunity to make representations.

⁶ BBC Radio 4, [Today Programme](#) (May 28, 2025).

⁷ Parliamentary Office of Science and Technology (POST), [Public trust and confidence in the police](#) (2024), *UK Parliament*.

Impact on other legal proceedings

16. As stated above, the provisions as currently drafted mean that anonymity, including reporting restrictions, may last for years or in some instances indefinitely. We are concerned that these provisions will prevent the press and the public from scrutinising subsequent legal proceedings, such as inquests or misconduct proceedings.
17. Under the regime envisaged by clauses 134-137, if a firearms officer is acquitted, reporting restrictions on matters likely to identify them as the person alleged to have committed the offence will remain in place, unless the court otherwise directs. This will inevitably include the findings of any inquest, or misconduct proceedings relating to the offence. This means that even if an officer is subsequently found to have killed unlawfully, or to be guilty of gross misconduct, the public may never find out their identity.
18. The court in *R (on the Application of Dyer) v HM Assistant Coroner for West Yorkshire (Western) Area CO/3140/2019* recognised the fundamental importance of open justice in inquest proceedings. Just because an officer is acquitted of criminal wrongdoing, this does not mean their actions did not contribute to a death or injury, or that the bar for gross misconduct is not met. It is important that the public and press can scrutinise the actions of firearms officers, even where these actions do not amount to a criminal offence.
19. In sum, the measures in clauses 134 – 137 run counter to open justice and risk significantly undermining confidence in policing, both for victims and the public at large. Given the seriousness of our concerns and the potentially wide-reaching impact of the regime on public scrutiny of the police, we do not consider the measures in clauses 134 -137 to be proportionate. We urge the government to consider our concerns, and to implement a regime that gives appropriate recognition to the vital need for transparency in cases involving the police.