

Police Service of Northern Ireland

For Internal Use Only

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Part I

SERVICE GUIDANCE IN RELATION TO THE ISSUE, DEPLOYMENT AND USE OF ATTENUATING ENERGY PROJECTILES (IMPACT ROUNDS) IN SITUATIONS OF SERIOUS PUBLIC DISORDER

1. INTRODUCTION

- (1) This document represents the Police Service of Northern Ireland's guidance in respect of the issue, deployment and use of Attenuating Energy Projectiles (AEPs) Impact Rounds in situations of serious public disorder. The guidance reflects National ACPO Guidelines and takes cognisance of the provisions of the Human Rights Act 1998 and the UN Code of Conduct for Law Enforcement Officials, and should be read in conjunction with the Police Service of Northern Ireland Code of Ethics.
- (2) Separate guidelines will be issued in respect of the use of AEPs as a Less Lethal Option in Non-Public Order Situations.

2. SERVICE STATEMENT

- (1) Police officers, in carrying out their duties, shall, as far as possible, apply non-violent methods before resorting to use of force or firearms. They may use force or firearms only if other means remain ineffective or without any realistic promise of achieving the intended result.
- (2) Police officers responsible for the planning and control of operations where the use of force is a possibility, shall so plan and control them to minimise to the greatest extent possible, recourse to force and, in particular, potentially lethal force.
- (3) Whenever police officers resort to the lawful use of force or firearms they shall:
 - (a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;
 - (b) minimise damage and injury, and respect and preserve human life;
 - (c) ensure that assistance and medical aid, where possible, are secured to any injured person at the earliest possible opportunity;
 - (d) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible opportunity;

(e) where force or firearms are used, report the incident promptly to their supervisors;

(f) comply with any instructions issued by the Chief Constable.

(Police Service of Northern Ireland Code of Ethics Article 4.1 - 4.3)

(4) It is the Police Service of Northern Ireland 's intention that the tactical option of the AEP will be governed by the following overarching principles and the guidance contained in the Code of Practice on the Issue, Deployment and Use of AEPs in Situations of Serious Public Disorder (Appendix A):

(a) The AEP has not been designed for use as a crowd control technology but has been designed for use as a less lethal option in situations where officers are faced with individual aggressors whether such aggressors are acting on their own or as part of a group.

(b) The AEP may be deployed in a variety of operational situations, however the objective will remain the same. The AEP is intended for use as an accurate and discriminating projectile, designed to be fired at individual aggressors. The issue, deployment and use of AEP in a public order situation will be subject to authority levels and command measures of the highest integrity;

(c) Whenever possible the System should be deployed in a 2 person team structure either when on foot or in a vehicle. One officer will be deployed with the System and the other will assist in the recording of the use and effect of Rounds. The minimum number of AEP System teams will be deployed in order to achieve the lawful objective;

(d) The System will only be deployed in open view of the public when its use is imminent. Otherwise, the System should remain in vehicles or kept discreetly behind front line officers until it is necessary to use them;

(e) Where the use of the System becomes necessary only the minimum number of Rounds will be fired in order to achieve the lawful objective;

(f) Where Rounds are fired the facts will be promptly reported on Form 30/21 via appropriate channels and MSW. A separate report from the officers performing the roles of Silver and Bronze Commanders, setting out the circumstances and reason for using AEPs will accompany Form(s) 30/21 and will also be filed locally in the relevant Event File (planned events) or other appropriate place (spontaneous disorder). DCU Commanders will make an immediate report to the Policing Board for Northern Ireland on Form PB 1, providing the detailed circumstances and reasons why it was necessary to discharge the weapon system. [(General Order Part I No 50/2002 File Box D (a)]. All incidents where AEPs have been discharged by police must be reported to the on-call SIO from the Office of the Police Ombudsman immediately using the emergency call-out procedure. The contact number of the on-call SIO is [REDACTED] It is important that notification is not delayed while other action is being taken. ■

s.F38(1)(a)

s.F38(1)(b)

s.F40(2)

3. CODE OF PRACTICE

(1) A Code of Practice concerning the Issue, Deployment and Use of AEPs in Situations of Serious Public Disorder is included as Appendix 'A'.

(2) This General Order must be read in conjunction with the following:

(a) General Order Part 1, No 34/2001 File Box D(a) 'Human Rights and Police Use of Force';

(b) ACPO Attenuating Energy Projectile (AEP) Guidance (Appendix 'B')

(c) United Nations Code of Conduct for Law Enforcement Officials (Appendix 'C')

(d) Article 2 of Schedule 1 of the Human Rights Act 1998 (Appendix 'D')

(e) Training Standards and Course Duration (Appendix 'E')

4. CANCELLATION

General Order Part 1, No 46/2000, File Box D(a) is hereby cancelled.

Distribution/

All chief officers, chief superintendents, superintendents, departments, stations, offices and the Police Ombudsman for Northern Ireland

General Order Part I, No. 21/2005, File Box D(a)

Index Entries/

- 'A' - Attenuating Energy Projectiles (Impact Rounds) in Situations of Serious Public Disorder - Service Guidance in Relation to the Issue, Deployment and Use of**

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**CODE OF PRACTICE - ISSUE, DEPLOYMENT AND USE OF ATTENUATING ENERGY PROJECTILES
(IMPACT ROUNDS) IN SITUATIONS OF SERIOUS PUBLIC DISORDER**

1. INTRODUCTION

- (1) The Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) have published instructions on the use of the newly designed Attenuating Energy Projectiles in April 2005.
 - (2) This Code of Practice is intended to inform the storage, carriage, issue deployment and use of the approved 37mm soft nosed impact projectile designated the L60A1. This is the Attenuating Energy Projectile, (AEP) and is intended for use as a less lethal kinetic energy device.
 - (3) The AEP forms part of the common weapon system approved for use by members of the police service or HM forces in the United Kingdom. It is therefore essential that a 'system approach' is applied to storage, maintenance, zeroing and operational use.
 - (4) The common weapon 'system' comprises:
 - (a) The weapon;
 - (b) The sight;
 - (c) The munition;
 - (d) The Zeroing Instructions;
 - (e) Maintenance and storage instructions;
 - (f) ACPO Guidance on Use.
 - (5) The Impact Round is fired from a 37 mm breech loaded weapon. The approved launcher is the L104A1 equipped with an approved [REDACTED] optical sight.
- s.F31(1)(a)**
- (6) In this Code of Practice the following terms are used;

(a)	AEP	Attenuating Energy Projectile
(b)	Launcher	The Heckler and Koch L104A1 with Approved Sight
(c)	The System	The AEP The Launcher Instructions and Guidance for Maintenance, Use, Storage and Zeroing
 - (7) Responsibility for setting Police Service Policy as to weapons and equipment rests with the Chief Constable. This will be reflected in the Chief Constable's weapons policy, which will be published and reviewed on a regular basis by ACC Operational Support Department on behalf of the Chief Constable.
 - (8) Where this equipment includes the AEP System the Chief Constable has delegated the authority for the 'issue' of this to an officer of Assistant Chief Constable rank or a designated officer acting in this capacity in the absence of the Assistant Chief Constable.
 - (9) The purpose of this document is to advise the Service of the Chief Constable's policy and to clarify the issues and terminology used in the ACPO guidelines.
 - (10) To ensure compliance with the ACPO guidelines, the Human Rights Act and other International Human Rights Instruments the use of the system should be the subject of authority levels and command measures of the highest integrity.

- (11) Police officers shall at all times fulfil the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. In discharging their duties, police officers will be cognisant of their obligation to comply with the European Convention on Human Rights and the Police Service of Northern Ireland Code of Ethics. The provisions of the UN Code of Conduct for Law Enforcement Officers should also be borne in mind by police officers in this context.
- (12) The use of the System is subject to strict criteria. This Code of Conduct takes account of the continuing developments in the weapon system, AEP design criteria, command, control and training. All of these factors reduce the potential for serious and life threatening injuries.

2. USEFUL DEFINITIONS

In the course of reading this Code of Practice the following definitions will be of assistance:

- (1) **Authority to Issue** - the authorisation for trained personnel to remove The System from armouries, against signature, including their transportation within police vehicles and out of public view;
- (2) **Authority to Deploy** - the authorisation for trained personnel to deploy the System on the ground and in keeping with the general principles in the Police Service of Northern Ireland's Policy Statement. The fact that officers equipped with the AEP System are deployed does not necessarily mean they will be used. Permission to use is subject to separate authorisation from the Silver Commander.
- (3) **Authority to Use** - the authorisation to fire AEP within current instructions. The authority to use the system is not an order to fire. It is a decision that is made, based upon all the information available, that the discharge of AEPs may be a necessary and proportionate response to a violent situation in which there is a risk of loss of life or serious injury.
- (4) **Assistant Chief Constable** - an officer of substantive ACC rank or an officer of Superintendent rank who is specifically designated to perform the role of ACC in the absence of the relevant ACC.

3. HUMAN RIGHTS AND THE USE OF FORCE

- (1) The System is designed to provide a less lethal option in dealing with threats of serious violence. It is recognised that the use of kinetic energy projectile has, in certain circumstances the potential for lethal consequences and as such Article 2 of the ECHR is of particular relevance when they are used.
- (2) The potential consequences of this tactical option therefore must be given due consideration before the issue, deployment or use is authorised. Officers responsible for authorising the issue, deployment and use of the System, designated senior officers (DSOs), System Commander and officers using the System must take cognisance of the provisions outlined in paragraphs 3(3) to 3(9) below.
- (3) The law governing use of force is contained within:
 - (a) Article 2 of the European Convention on Human Rights
 - (b) The Common Law rules of self-defence,
 - (c) Section 3 of the Criminal Law Act (NI) 1967

For further explanation, officers should read General Order Part I No 34/2001, File Box D(a) - Human Rights and Police Use of Force and Article 4 of the Police Service of Northern Ireland Code of Ethics.

- (4) Implications of the Human Rights Act. The tests to be applied when AEPs are fired will be those of:
 - (a) A degree of force which is no more than absolutely necessary in order to achieve one of the aims set out in sub-paragraphs 2(a), (b) or (c) of Article 2 of the European Convention on Human Rights and is;
 - (b) Strictly proportional to the achievement of that aim;

- (c) Where the use of lethal force has been part of the planned operation, Article 2 reinforces the positive duty to protect life. In *McCann - v - UK* (1995) the Court held that the State (e.g. the police) must provide appropriate training, instructions and briefing to those who are placed in situations where the use of lethal force may be required. The State must also exercise 'strict control' over operations which may involve lethal force.
- (5) The ACPO guidelines refer officers to the UN Basic Principles on the Use of Force and Firearms which states that:

“Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms”.
- (6) Article 3C of the UN Code of Conduct for Law Enforcement Officers is specific in stating that:

“The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms especially against children. In general, firearms should not be used except when a suspect offender offers armed resistance or otherwise jeopardises the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender”.
- (7) Whilst the discharge of an AEP represents an option, which is potentially a less lethal alternative to conventional firearms, every effort should be made to ensure that children are not placed at risk by the firing of an AEP. This is particularly relevant in public order situations where children may be amongst a crowd and be placed in danger should an AEP miss its intended target.
- (8) Users should be made aware that AEPs can ricochet in some circumstances and that the presence of obstacles and of personnel other than the intended target should form part of their risk assessment in the decision to fire the weapon.
- (9) Consideration should also be given to the possibility of striking individuals behind the identified subject who is being fired at. This risk assessment should include the possibility of direct strikes and as a result of ricochet.

4. CIRCUMSTANCES FOR USE OF AEPs

- (1) AEPs must only be used in public order situations:
 - (a) Where other methods of policing to restore or sustain public order have been tried and failed, or must from the nature of the circumstances be unlikely to succeed if tried; **and**
 - (b) Where their use is judged to be **absolutely necessary** to reduce a serious risk of:
 - (i) Loss of life or serious injury; or
 - (ii) Substantial and serious damage to property, which is likely to cause or is judged to be likely to cause a serious risk of loss of life or serious injury.
- (2) Except where urgent action is necessary – i.e. where there is an immediate risk to life, AEPs will only be used following authorisation from the Silver Commander.
- (3) In assessing the risk of loss of life or serious injury occurring, account should be taken of the risk to police officers and members of the emergency services, as well as to members of the public and others.
- (4) AEPs should be fired at selected individuals and not indiscriminately at the crowd. AEPs should be aimed to strike directly (i.e. without bouncing) and aimed at the belt buckle, thus militating against upper body hits.
- (5) Unless there is a serious and immediate risk to life, which cannot otherwise be countered, use at under one metre or aiming the weapon to strike a higher part of the body at any range is prohibited. In these circumstances the risk of serious and even fatal injuries is increased and the firer must be able to justify the increased use of force.
- (6) Officers equipped with the AEP may be deployed on foot or in armoured landrovers.
- (7) It must be recognised that the use of any kinetic energy device in a situation of public disorder may have a profound impact on crowd dynamics with implications for public safety and order.

5. COMMAND

- (1) The Gold, Silver, Bronze command structure is used for both planned and spontaneous events. It affords the flexibility required to cope with a varied and developing range of incidents and operational demands. The Gold, Silver and Bronze command structure is a role related command structure that focuses on the role of the individual. Whilst the structure is neither rank specific nor rank dependant, it is accepted that the role of Silver Commander will, on these occasions, be set at least at Inspector rank.
- (2) The rank of the person exercising command will depend upon the seriousness of the incident, the training received and the time available for structures to be put in place. It is vital that measures should be instituted at the earliest opportunity and at the most appropriate level with a consideration of the competencies required for Command.
- (3) Policy and command decisions in respect of the Deployment and Use of the System should be subject to continuous critical review during the lifetime of any incident. The officer in overall command of the incident (the Gold Commander) should ensure formal review and documentation of the requirement for the System as the disorder enters each new phase.
- (4) **Planned Operations:**

Gold, Silver and Bronze command levels should be established at an early stage and detailed in the Operational Order for the event.
- (5) **Spontaneous Incidents:**
 - (a) The senior officer on duty in the area affected by the disorder should endeavour to establish command and control of the incident at the earliest opportunity.
 - (b) In the event of an unanticipated outbreak of serious public disorder, the severity of which may require the deployment and use of the System, **the approval of an officer of ACC rank must be sought before the System is deployed.**
 - (c) As soon as possible a trained Bronze Commander/DSO will assume command of the scene of serious public disorder. If a trained Bronze Commander/DSO is not immediately available the senior police officer on duty in the DCU where the outbreak of disorder has occurred, will assume command of the scene. That police officer will remain in command until such time as a Gold – Silver – Bronze command and control structure has been established, or a trained officer relieves them, or the situation has been resolved.
- (6) The local DCU Commander (or on-call duty officer – Inspecting and Superintending ranks) will make themselves available to perform the role of Silver Commander.
- (7) In all circumstances, members issued with the System should be deployed as teams. If circumstances do not permit deployment in teams, the officer detailing the duty will make a specific notebook/journal entry of these reasons.

6. DESIGNATED SENIOR OFFICER

- (1) The role of Designated Senior Officer is to make an 'on the ground' assessment in order to inform Silver Command of the prevailing situation and the need for deployment and use of the System. The criteria for the deployment and use of the System as set out in paragraphs 3(3) to 3(9) must be met. The DSO must keep the situation under review and inform the Silver Commander of any changes, which might affect the authorisation to deploy or use the System.
- (2) Pre-Planned Operations - It is Service Policy that DSOs, will be the Bronze Commanders in their respective sectors, provided that they have completed the DSO module with Combined Operational Training. This module is contained within the Command Awareness Course.

- (3) Spontaneous Outbreaks of Serious Public Disorder - The Bronze Commander/DSO will be the senior police officer on the ground who is in charge of the scene of serious public disorder, until such times as a command and control structure is established or the situation is resolved.

7. TSG/PSU INSPECTORS

- (1) TSG/PSU Inspectors or, in their absence, a designated Sergeant, will perform the role of System Commander to exercise control over the tactical deployment and use of the System. **s.F31(1)(a)**
- (2) System Commanders detailing duties for planned public order operations, may detail teams from qualified personnel within the unit, providing that authority to issue has been granted by an officer of Assistant Chief Constable rank as outlined in paragraph 1(8) ante and paragraph 10 post. Before detailing officers to carry the System, System Commanders must ensure that those officers are trained in the System and that their training is current. Additional teams should be detailed, commensurate with the number of trained officers within the unit, but will only be deployed on the authority of the System Commander. The decision to deploy additional teams must be fully documented.
- (3) When a TSG/PSU is given authority to deploy the System there should generally be a maximum of **s.F31(1)(a)** teams deployed with flank. Additional teams should only deploy with the authority of the System Commander. **s.F31(1)(a)**
- (4) Once authorised to use the System by Silver Command (via Bronze Commander/DSO), the System Commanders will be responsible for directing and controlling the loading, unloading and firing of AEPs. The selection of targets and the decision to fire is a matter for individual officers, but System Commanders should direct where teams are to be deployed and give specific authority to engage using the words of command, "ENGAGE, ENGAGE".
- (5) The System Commander must also issue orders to cease fire when the lawful objective has been achieved, to ensure that the degree of force used is necessary and proportional. The following words of command should be used, "STOP, STOP, STOP".

8. AEP SYSTEM TEAMS

- (1) Utilising officers trained in the AEP System in teams provides for increased effectiveness and enhanced recording of events, including Rounds fired.
- (2) The team should consist of 2 police officers, with one qualified officer carrying the weapon system and the second officer acting as an assistant to record details of any Rounds fired. This is to be the case whether teams are being deployed either on foot or from within the safety of vehicles. Where possible, assistants should be currently qualified in the AEP System, however if this is not practical, the assistant to the officer deployed with the System should be an officer who is familiar with the System and is capable of performing the role.
- (3) The Launcher will not be loaded until the respective System Commander so directs, or when individual officers do so in accordance with this Code.
- (4) Carrying vests will be the approved method of carriage. The vests will be loaded with AEPs prior to leaving the armoury. Additional AEPs if required, should be carried in the metal ammunition box provided for storage. **AEPs will be signed out on an individual basis, i.e.: 12 rounds, 16 Rounds etc. not 1 x Box of Rounds.**
- (5) In order to comply with storage regulations AEPs must be returned to the metal ammunition box provided on return from operational duty, discharged AEPs being accounted for by completion of the Firearms Register and cross-referencing the expended AEPs with the relevant command and control serial. Instructions on storage of AEPs within armouries are contained at Appendix 'F'.
- (6) Carrying vests will only be worn by the teams once authority to deploy has been given with the same criteria as pertains to the System and as is set out in this Code of Practice.
- (7) The System will only be deployed in open view of the public when their use is imminent. Otherwise the System should remain in vehicles or kept discreetly behind front line officers until it is necessary to use them.

- (8) Officers will fire only the minimum number of AEPs necessary. Assistants will record the circumstances of the firing of the AEPs including descriptions of persons at whom they are fired.
- (9) Commands issued by System Commanders will be acted upon without delay.
- (10) Officers issued with the system should be removed from duty if they have been rendered unconscious, suffer a head injury or other significant injury, unless wholly exceptional situations prevail (and retention on duty can be justified). The officer so removed should be examined by a qualified medical practitioner and passed fit to resume prior to returning to duty.

9. WARNINGS

- (1) In a situation where the police can justify the use of force or an escalation in the use of force, warning messages should be given, if practical and time permits. If a tactic is to be used over a period of time, or a large area, it may be desirable to repeat the warning messages.
- (2) Everything must be done to ensure those engaged in rioting are made aware of the potential use of force in order that they have the opportunity to desist or leave the area and that onlookers and innocent bystanders are also aware of the risk if they choose to remain in the vicinity.
- (3) Several warnings should be issued in advance of any use of force, unless impracticable in the circumstances. The wording for preliminary warnings should whenever possible be as follows:
"Attention, attention, this is a police message. The crowd should disperse immediately as force is about to be used against violent individuals."
- (4) If not given prior to the initial discharge, the warning should be given at the earliest opportunity and in the following terms:
"Attention, attention, this is a police message. The crowd should disperse immediately as force is again about to be used against violent individuals."
- (5) Where Impact Rounds are about to be fired the following warning should also be issued: "If you do not stop impact rounds will be fired."
- (6) At the appropriate time the final warning should be: "Attention, attention this is a police message. The crowd should disperse immediately as force is (again) about to be used against violent individuals. No further warnings will be given."
- (7) Consideration must be given to how the warning is delivered and the probability of it being heard by all, or the majority, of those involved. The more warnings issued the more difficult it will be for those involved, including observers and bystanders, to claim warnings were not issued.
- (8) In pre-planned operations the subject of warnings should be considered carefully. Technical aids to broadcast warnings should be used to maximum advantage and it is good practice to ensure that one person is nominated to issue warnings during pre-planned public order operations. In large operations with several potential flash points one officer should be nominated in each of the Bronze sectors. If the media are present it would be advantageous to have the issue of police warnings captured on video and audio recordings.
- (9) The date, time, location, means of delivery and exact wording of warnings must be recorded by the officer(s) issuing the warnings. The officer issuing the warning must ensure that this is reported to the appropriate Control Room for recording on the Command and Control Serial. Where a warning is not given in the first instance, the commander should make a note in their notebook/journal of the circumstances leading to the firing of the System without a warning being given and why a warning was not given.

10. AUTHORITY FOR ISSUE

- (1) The System will be issued for use against violent individuals in actual or anticipated situations of serious public disorder, where, in the opinion of the authorising ACC, their use is: "such force as is reasonable in the circumstances in the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large." [Section 3(1) of the Criminal Law Act (NI) 1967.] Authorising ACCs must also consider the implications of Article 2 of the European Convention on Human Rights as outlined in paragraph 3(4) of this Code.

- (2) Planned Public Order Operations - In the event of planned public order operations, an assessment of the threat of serious public disorder and the need to issue the System must be made by the Gold Commander in consultation with the Silver Commander. Where the Gold Commander is not the Regional ACC, a written request, based upon this assessment, will be made to the Regional ACC by the Gold Commander.
- (3) The Regional ACC will consider if it is appropriate to authorise the issue of the System and issue written directions in this respect. The decision to issue the System, (or not as the case may be) including the reasons, should be recorded in the Event Policy Book. Reference to the ACCs authority must be included in the relevant operational order.
- (4) The officer in overall command of the incident (Gold Commander) will, in consultation with the Silver Commander, ensure formal review and documentation of the requirement for the System and any authorisation to deploy or use the System, as the disorder enters each new phase. Records of such authorisations/reviews must be included in the Event Policy Book.
- (5) Where the Regional ACC gives authority to issue the System, this should, where possible, be subject to limitation of time and/or geographical area. The issue of the System will be subject to regular review by the authorising ACC.
- (6) The System must only be issued to those officers who have been trained and are currently qualified in their use (see Appendix 'E'). In cases where doubt exists concerning qualification, Combined Operational Training, Steeple can provide details of current qualifications. However, it is incumbent upon TSG/PSU Inspectors and local commanders to maintain records and ensure adequate numbers of trained personnel are available.

11. AUTHORITY FOR DEPLOYMENT

- (1) The following methods of deployment will ensure control and increase accountability whilst improving the ability to gather evidence relative to the firing of the System.
- (2) The System is only to be deployed at an incident with the express authority of the Silver Commander. The Silver Commander should ensure that the authorisation to deploy the System is appropriate and kept under review. The authorisation, along with the supporting reasons, must be recorded in the Event Policy Book.
- (3) Deployment in Planned Operations:

- s.F31(1)(a)** (a) Once the Silver Commander has granted authority for deployment, officers should be deployed using the [REDACTED] team structure
- (b) When teams are deployed, the number of teams should be proportional to the level of disorder. The minimum number of teams should be deployed and, as a guide, TSG/PSU deployed on foot and with riot shields, should have a maximum of [REDACTED] teams.

12. AUTHORITY FOR USE

s.F31(1)(a)

- (1) The System is to be used at an incident only with the express authority of the Silver Commander. Before a decision to use the System is put into effect, a Designated Senior Officer will, by virtue of an on the ground assessment, confirm to the Silver Commander that the use of the System meets the criteria set out in these guidelines.
- (2) Except where urgent action is necessary, in circumstances where there is an immediate risk to life, the System will only be used following authorisation by the Silver Commander. When an officer uses the System without authority from the Silver Commander, this must be notified immediately to the Silver Commander and the officer, the System Commander and the Bronze Commander must submit a full report as to the circumstances and reasons for the use. These reports are in addition to the Form 30/21.
- (3) Both the DSO and the Silver Commander must keep the authority to deploy and use the System under review throughout the lifetime of the operation.

13. SPONTANEOUS OUTBREAKS OF SERIOUS PUBLIC DISORDER

- s.F31(1)(a) (1) Issue to Patrols in Areas Prone to Sporadic Disorder - Where, on the basis of risk assessment of [REDACTED] it is believed that serious rioting may occur and would involve a risk of loss of life or serious injury, an officer of ACC rank may, upon written application, authorise the issue of the System as a contingency for dealing with serious violence. This authority should be for a specified time period and within a specific geographical location.
- (2) Authority may also be obtained on written application to Regional ACCs for the purpose of contingency plans for other non-public order operations where it is foreseeable that serious public disorder may occur as a result of police operations. It is important under these circumstances that a Silver Commander is appointed to command the local operation and to authorise the deployment and use of the System should this contingency occur.
- (3) Spontaneous Disorder - In the event of an unpredictable outbreak of serious public disorder, the severity of which may require the use of the System, the approval of an officer of ACC rank must be sought before the System is issued.
- (4) In all circumstances, members issued with the System should, where possible, be deployed as teams. If circumstances do not permit deployment in teams, the officer detailing the duty will make a specific notebook/journal entry of these reasons.

14. SELECTION OF PERSONNEL

- (1) Selection of police officers for training in the use of the system will be the responsibility of local area commanders.
- (2) Selection will be based on the following:
- (a) the officer is currently qualified and authorised to carry conventional firearms;
 - (b) completed Probationary period;
 - (c) personnel must be TSG or PSU Level public order trained and equipped;
 - (d) attitudes and approach to work;
 - (e) motivation and interests;
 - (f) temperament, maturity and personality;
 - (g) physical suitability (including Master Eye requirement, see Appendix 'E');
 - (h) officers must have a full understanding of Human Rights policies and practices within PSNI including application of the PSNI Code of Ethics.
- (3) Selection should take place from those officers who are most likely to be available for public order duties where AEP are a contingency. Distribution/availability of these officers within local command areas is a matter for the relevant commander.
- (4) All officers attending the three-day Initial AEP course must have previously undergone Personal Safety Programme training (General Order Part 1 No 26/2004 File Box B(c) refers).
- (5) Only officers who are likely to remain in post for the foreseeable future should be selected to ensure effective use of training resources.
- (6) Only those officers capable of displaying a mature and professional approach to the deployment and use of the System should be selected.

15. RECORDS

- (1) Gold and Silver Commanders must ensure that all command decisions in respect of the issue, deployment and use of the System are fully recorded and documented in the Event Policy Book.
- (2) DSOs (Bronze Commanders) must ensure that the 'on the ground' assessment of the situation and rationale pertaining to the decision to recommend the deployment or use of the System is fully documented.
- (3) System Commanders responsible for teams will ensure that a record is maintained of their directions to the teams following authorisation to deploy or use the System. This should include details of Rounds fired and the prevailing circumstances.
- (4) Officers must ensure that reports pertaining to the firing of AEPs are submitted promptly. Officers must make detailed records in their notebooks of the grounds for their decision to fire, including why their decision to fire at a particular target was necessary and proportional.
- (5) System Commanders will ensure that Firearms Registers are properly completed in respect of any AEP Launcher and Rounds issued, after due authority. This will include the actual number of Rounds taken from the armoury. On return the System Commander will ensure that records are perfected accurately and that **all** Rounds are accounted for as either being discharged or returned to storage.
- (6) In the event of supplies of Rounds being replenished under operational conditions, the System Commander will make a full note of the additional Rounds received by each officer. The System Commander will ensure that the appropriate Firearms Register reflects the additional amounts received.
- (7) Additional Rounds will only be supplied under operational conditions with the authorisation of the Silver Commander. The Silver Commander should ensure that the person responsible for the distribution maintains a record of additional Rounds issued, against name, rank, number and signature of the receiving officer. The record of additional Rounds issued will be maintained in the Event File. The decision to issue additional Rounds under operational conditions will be recorded in the Event Policy Book.
- (8) All officers are reminded of their duty to ensure that accurate records are kept of their duties as required by relevant Codes of Practice or the instructions of the Chief Constable (Code of Ethics for the Police Service of Northern Ireland Article 1.9).

16. POST INCIDENT MANAGERS (To Be Appointed)

- (1) Following the discharge of the System, the senior police officer in charge will task Post Incident Managers. For further information on Post Incident Managers, officers should refer to Policy Directive on Discharge of Firearms By Police - Post Incident Procedure Deployment of Post Incident Managers. (To be published)
- (2) Affected officers will also be given the opportunity to engage with Critical Stress managers, in line with Service Policy.

17. TRAINING STANDARDS

- (1) ACC Operational Support will determine training standards, based on The National Police Firearms Training Curriculum in consultation with the Director of Human Resources. The Chief Inspector, Combined Operational Training will be responsible for initial and refresher AEP System training to these standards.
- (2) Training standards, qualification criteria, course duration etc are set out in Appendix 'E'.

18. MILITARY SUPPORT

- (1) The issue, deployment and use of the System by military personnel acting in support of police in public order operations are governed by military instructions. The military are accountable under Human Rights legislation in keeping with their position as a 'public authority' and their use of the System is subject to the same legal restrictions as police.
- (2) Where military are deployed in public order support of police, they will deploy with the AEP System. The authority to fire Rounds will be a military decision but this will be taken in close liaison with the appropriate police commander (Bronze or Silver) provided circumstances permit. In planned operations the potential use of the System by military should be the subject of joint discussion at the strategic planning stages so that both police and military develop a common understanding.
- (3) In most instances, the military will be deployed when police resources are strained and are unable to contain the situation without military support; or occasionally when insufficient police resources are available. In the first case, the level of disorder will be such that the authority for police to deploy and use the System will have been issued.
- (4) On occasions it may be necessary to deploy Military Public Order Company(s) as the main response at a scene of disorder or potential disorder. This is usually whenever insufficient police resources are available. Under these circumstances a police liaison officer will accompany the military resources. The senior police officer present at the scene, which may be the police liaison officer, will perform the role of Bronze Commander to co-ordinate the response of any other police at the scene and the military resources. There will be no requirement to act as DSO as the Company Commander will be subject to military instructions regarding the use of the System. The police officer will ensure the military are appropriately tasked but how military achieve this task is a matter for the military commander.
- (5) Military patrols operating in areas where the police require support due to the security threat, carry H&K L104A1s as a less lethal means of self-defence from sporadic attacks. The use of military patrols is agreed jointly between Regional ACCs and Brigade Commanders. Issue, deployment and use of the System under these circumstances are subject to separate military instructions and authority. However, regional and local police commanders should be aware of these military instructions.

19. SIGNAL/SMOKE

- (1) 37mm L104A1 Heckler & Koch will not, under any circumstances, be used to fire signal or smoke cartridges.
- (2) The issue, deployment and use of signal/smoke cartridges are subject to separate instructions.

Page(s) 000014, 000015, 000016, 000017, 000018, 000019, 000020, 000021, 000022, 000023, 000024, ..., 000047

is(are) exempted pursuant to section(s)

F21(1)

is(are) exempted pursuant to section(s)

CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS, GA RES 34/169, ANNEX, 34 U.N.

GAOR SUPP (NO 46) AT 186, U.N. DOC. A/34/46 (1979)

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Commentary

- (a) The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.
- (b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.
- (c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.
- (d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary

- (a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.
- (b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary

- (a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorised to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected offenders, no force going beyond that may be used.
- (b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorise the use of force which is disproportionate to the legitimate objective to be achieved.
- (c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary

- (a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which: "(Such an act is) an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights (and other international human rights instruments).
- (b) The Declaration defines torture as follows:

"..... torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtained from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."
- (c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly but should be interpreted so as to extend the widest possible protection against abuses, whether physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Commentary

- (a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.
- (b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.
- (c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary

- (a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.
- (b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.
- (c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary

- (a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.
- (b) The Article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

- (c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the preview of this Code.
- (d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in sub-paragraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of Article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.
- (e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

ARTICLE 2 - SCHEDULE 1 OF THE HUMAN RIGHTS ACT 1998

Article 2(1) relates to the Right to Life. It states - "Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law."

Article 2(2) states - "Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling riot or insurrection."

TRAINING STANDARDS AND COURSE DURATION

1. CLASSIFICATION

- (1) Having attended and classified on a training course, to remain classified the following criteria will apply:

s.F38(1)(a) The officer will retrain and reclassify bi-annually. This process will be managed by operational planning in conjunction with COT, [REDACTED] to achieve a best practice training profile.
s.F38(1)(b)

- (2) Should an officer in training fail to meet the required standard on an initial course they will no longer be considered eligible for further AEP System training.
- (3) On failure to reclassify on a refresher course the officer must successfully complete an initial course.

2. MASTER EYE REQUIREMENTS

An officer participating in training should fire the AEP Launcher from the same shoulder as their 'master eye' ie if they are right master eyed they must fire the weapon from the right shoulder.

3. COURSE DURATION

Initial Training Course: 2 Days
Refresher Training Course: 1 Day

4. QUALIFIED PERSONNEL

In cases where doubt exists concerning an officer's qualification to use the AEP System, COT, [REDACTED] can assist in providing details of currently trained personnel.

s.F38(1)(a)
s.F38(1)(b)

AEP OPERATIONAL USAGE MANAGEMENT - STORAGE

1. **AEP In:** AEP on arrival must be dated, marked and stored separately from other munitions.
2. **Unboxed Operational Use AEP:** a percentage* of AEP will be taken out of sealed boxes, dated, marked and stored separately from the 'AEP In' AEP. Removal from sealed boxes dramatically reduces the shelf life of AEP. Time management of AEP 'operational life' must receive top priority.
3. **AEP Pending Return to Stores:** immediately following the last day of the AEP 'operational life' these AEP must be removed from operational use, dated, marked and stored separately as such pending collection by Stores.

*This percentage should be sufficient to have readily available a number of AEP to meet the immediately foreseeable operational need. The costs involved with the significant reduction in shelf life occurring when AEP are removed from sealed boxes must be considered.

Management of AEP history following arrival at stations is crucial to ensure their operational viability vis-à-vis their shelf life. This responsibility should fall to the senior local AEP System Commander.

AEP OPERATIONAL USAGE MANAGEMENT

AEP In – <u>Date In</u>	Unboxed Operational Use AEP – <u>Date Brought Into Use</u>	AEP Pending Return to Stores – <u>Date Ready for Return</u>