

Chapter 14:

AEP (Public Disorder)

Chapter 14

Procedure and Guidance in Relation to the Issue, Deployment and Use of Attenuating Energy Projectiles (Impact Rounds) in Situations of Serious Public Disorder

General

- 14.1 This Chapter represents PSNI's guidance in respect of the issue, deployment and use of Attenuating Energy Projectiles (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, the UN Code of Conduct for Law Enforcement Officials and the UN Convention on the Rights of the Child (Article 3 of the Convention on the Rights of the Child requires the best interests of children to be a primary consideration in all actions concerning children). This section should be read in conjunction with the PSNI Code of Ethics.
- 14.2 It is the PSNI's intention that the tactical option of the AEP will be governed by the following overarching principles and the guidance contained in the following paragraphs in this section:
- 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.
 - 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.
 - 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.
 - 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.
 - Where the use of the System becomes necessary only the minimum number of rounds will be fired in order to achieve the lawful objective.
 - Where rounds are fired the facts will be promptly reported via the Electronic Use of Force monitoring system. A separate report from the officers

performing the roles of Silver and Bronze Commanders, setting out the circumstances and reason for using AEPs will be completed and filed locally in the relevant Event File (planned events) or other appropriate place (spontaneous disorder). District 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 (see Appendix 'J'). 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. It is important that notification is not delayed while other action is being taken.

- Silver Commanders must ensure that, prior to the termination of duty at a public order event, each unit makes a final verbal report to them detailing AEPs Discharged/Hits. All verbal reports, including nil returns, should be recorded in the Silver Policy log. This information should immediately be forwarded to the District Commander for the area to ensure that an accurate account of all AEPs discharged/hits is detailed on the PB1 which is sent to the Policing Board as soon as possible after the event. (See also paragraphs 14.86 – 14.93 below).

Introduction

- 14.3 The Association of Chief Police Officers of England, Wales and Northern Ireland (ACPO) published instructions on the use of Attenuating Energy Projectiles (AEP) in April 2005.
- 14.4 This section is intended to inform the storage, carriage, issue deployment and use of the approved 37mm soft nosed impact projectile designated the L60A2. This is the AEP and is intended for use as a less lethal kinetic energy device.
- 14.5 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' be applied to storage, maintenance, zeroing and operational use.
- 14.6 The common weapon 'system' comprises:
- The weapon.
 - The sight.
 - The munition.
 - The Zeroing Instructions.
 - Maintenance and storage instructions.
 - ACPO Guidance on Use.

- 14.7 The Impact Round is fired from a 37 mm breech loaded weapon. The approved launcher is the L104A2 equipped with an approved L18A1/A2 optical sight.
- 14.8 The following terms are used throughout this section:
- AEP Attenuating Energy Projectile
 - Launcher The Heckler and Koch L104A2 with Approved Sight
 - The System The AEP;
The Launcher;
Instructions and Guidance for Maintenance, Use,
Storage and Zeroing.
- 14.9 The Chief Constable has delegated the authority for the 'issue' of the AEP System to an officer of ACC rank or a designated officer acting in this capacity in the absence of the ACC.
- 14.10 The purpose of this Chapter is to advise the Service of the Chief Constable's policy and to clarify the issues and terminology used in the ACPO guidelines.
- 14.11 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.
- 14.12 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 Human Rights Act 1998 and the PSNI 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.
- 14.13 The use of the System is subject to strict criteria. This guidance 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.

Useful Definitions

- 14.14 In the course of reading this section the following definitions will be of assistance:
- **Operational Storage** - refers to the storage of an AEP system in a secure and locked storage box within a police vehicle by a Level 1 TSG.
 - **Authority to Issue** - the authorisation for currently trained and qualified personnel to remove The System from armouries or operational storage, against signature, including their transportation within police vehicles and out of public view.

- **Authority to Deploy** - the authorisation for currently trained and qualified personnel to deploy the System on the ground and in keeping with the general principles in the PSNI'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.
- **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.
- **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.

Human Rights and the Use of Force

- 14.15 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.
- 14.16 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, System Commander and officers using the System must take cognisance of the provisions outlined in the following paragraphs. For a full account of Human Rights principles in relation to the use of force please refer to Chapter 9 – Police Use of Firearms, paragraphs 9.33 – 9.55 **Legal basis**.
- 14.17 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 or members of other vulnerable groups are not placed at risk by the firing of an AEP. This is particularly relevant in public order situations where such persons may be amongst a crowd and be placed in danger should an AEP miss its intended target. (See also Appendix 'L' on the use of AEP at height).
- 14.18 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.
- 14.19 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.

Circumstances for use of AEPs

- 14.20 AEPs must only be used in public order situations:
- 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
 - Where their use is judged to be absolutely necessary to reduce a serious risk of:
 - ◆ Loss of life or serious injury; or
 - ◆ 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.
- 14.21 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.
- 14.22 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.
- 14.23 AEPs should be fired at selected individuals and not indiscriminately at the crowd. AEPs should be aimed to strike directly (i.e. without bouncing) the lower part of the subject's body i.e. below the rib cage. Officers are trained to use the belt buckle area as the point of aim at all ranges, thus militating against upper body hits.
- 14.24 Unless there is a serious and immediate risk to life, which cannot otherwise be countered, use at less than 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.
- 14.25 Officers equipped with the AEP may be deployed on foot or in armoured landrovers.
- 14.26 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.