

THE RECORDING OF THE USE
OF PLASTIC BULLETS
IN NORTHERN IRELAND



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FOREWORD

Plastic bullets – or plastic baton rounds as they are sometimes called – have been a source of great controversy in Northern Ireland for many years. The consequences of their use have been fairly well documented, although the Human Rights Commission is in the course of preparing additional information on that topic for publication later in 2001. What has been less carefully examined is the system in place for recording the use of the weapon in the first place.

This report is the result of the first external survey of the methods employed by the Royal Ulster Constabulary in this regard. The survey was a small-scale one and it was made possible only because the RUC itself granted access to relevant files. Unfortunately access was not possible to files which related to incidents where further disciplinary, civil or criminal proceedings were contemplated. It is possible that the system for record-keeping was operated differently in relation to those incidents.

The report contains a number of recommendations as to how the methods used for recording the use of plastic bullets – assuming, of course, that they should be used at all (a large assumption) – could be improved. The Human Rights Commission is placing it in the public domain so that further debate can take place as to how police accountability in this context can be made consistent with international human rights standards.

Brice Dickson
Chief Commissioner
May 2001

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EXECUTIVE SUMMARY

This is a report on a study of 20 files chosen at random from those held by the RUC concerning incidents where a total of 122 plastic bullets were fired by RUC officers during the period 1997 to 2000. The bullets apparently hit 48 people.

The files relate to incidents where no complaint was lodged against the police and where no civil or criminal proceedings arose out of the firing of the plastic bullets. Access was granted to the files by the RUC's Chief Constable and the factual statements in the report have been checked and commented on by his office.

The report sets out what documents are usually contained in the files and analyses a number of issues arising from an examination of those documents. In particular the report comments on:

- the time taken for the files to be completed;
- the state of the documentation within the files;
- the design of standard forms used for the files;
- the way in which witness statements were prepared for the files;
- the way in which events at which plastic bullets were fired are described on the forms; and
- the methods used for decision-making by the RUC's Complaints and Discipline Branch as to whether the firing of the plastic bullets was justified.

Amongst the report's findings are these:

- the files in question often took months to complete;
- the files were often poorly maintained;
- the principal form used by Sub-Divisional Commanders is inadequate for the task;
- witness statements were often presented in an overly standardised manner;
- 72 of the 189 witness statements in the files were not properly signed by the police officers making them;
- documents contained in the files did not give a full enough picture about the level of violence being used at the time the plastic bullets were fired;
- in many files the chain of authority for the carrying and firing of plastic bullets was not made clear; and
- several of the files were closed even though by any meaningful standard of accountability they should not reasonably have been closed.

The report makes the following recommendations, amongst others:

- that new forms should be designed for use by Sub-Divisional Commanders;
- that the new forms should require more information to be recorded than at present;
- that witness statements should provide more specific details than at present; and
- that files should be completed more quickly.

CHAPTER 1

THE FRAMEWORK FOR THE STUDY

The genesis of the study

One of the goals of the Northern Ireland Human Rights Commission (the Commission) contained in its Strategic Plan 2000-2002 is to carry out work on the use of plastic bullets in Northern Ireland. The Human Rights Commission has the power to conduct investigations by virtue of section 69(8) of the Northern Ireland Act 1998 and it can conduct research under section 69(6). The present study, into the RUC's accountability mechanisms in relation to the use of plastic bullets, arose out of a meeting between the Commission and the RUC Human Rights Working Group which took place during 2000. At this meeting the RUC provided a sample of 30/21 forms – the central document used by the RUC in its decision-making process as to the justifiable use of plastic bullets or plastic baton rounds.

This study is not part of any debate on whether plastic bullets should be used or what they might be replaced with. Its starting point is that plastic bullets *are* used in Northern Ireland, and it is an examination of the RUC's accountability mechanisms in respect of their use.

The terms of the study

A pilot study was conducted in October 2000 with a view to identifying the detail of what was feasible to study. Access was gained to all materials kept in a RUC 'complaints' file in relation to the firing of plastic bullets. Following the pilot study a retrospective questionnaire was developed with a view to its use on files randomly picked by the researcher. Files were chosen from 1997 onwards in order to focus on practices before and after the most recent change in the guidelines for the use of plastic bullets or plastic baton rounds – ACPO guidelines. The Association of Chief Police Officers (ACPO) guidelines in relation to the use of plastic bullets were in force in Northern Ireland from the summer of 2000.

The files studied

Access was gained only to the RUC's files in relation to 'discipline' (where no complaints had been lodged against the police and no disciplinary action was pursued). Access was not gained to files where the Director of Public Prosecutions (DPP) had become involved, or files where a complaint was made against a police officer or files where a civil action arose out of or in connection with the use of plastic bullets.

Requests were made to view these files during the study.¹ Permission to view files where disciplinary action was pursued internally against individual police officers or where civil

¹ The Northern Ireland Human Rights Commission has no power to compel the production of documentation.

action was pursued against the RUC was not forthcoming. No reason was given by the RUC for refusing access to these files.

Access was also refused to view files where the Director of Public Prosecutions (DPP) had become involved. Initially there was consent by the RUC to the Commission viewing these files. Afterwards, though, the RUC stated that the Office of the DPP had expressed some concern in relation to disclosure of files prepared for submission to the DPP and of any material in relation to directions issued by the DPP on such files. The matter was pursued with the DPP and at the time of this report's publication correspondence was ongoing on the matter. A meeting to discuss the possibility of access was imminent.

The researcher considers that the quality of this study is reduced by the fact that access has been gained only to files where the RUC considers there has been proportionate use of force, and not to files where internal disciplinary action has been pursued against police officers, civil litigation has been pursued against the RUC or criminal prosecutions were contemplated or pursued against individuals. The purpose of this study is not to review the work of the DPP, second guess civil litigation or internal disciplinary procedures, but to look at all circumstances where plastic bullets are fired, not just the ones where the RUC considers there has been proportionate and justifiable use of force.

During the pilot study the researcher was informed by the RUC that the Army, who are frequently deployed alongside the RUC, has separate command and control and accountability mechanisms in respect of the issue and use of plastic bullets. No attempt was made to access these files.

The anatomy of an RUC file kept in relation to the firing of a plastic bullet

Each file kept by the RUC in respect of the firing of a plastic bullet typically had the following documents:

1. An MHS or MSX message. This is a form of fax message sent to the Complaints and Discipline Branch after plastic bullet(s) have been fired. These messages are normally sent within a few minutes of firing the plastic bullet(s).
2. Standard letter from Complaints and Discipline Branch to the Sub-Divisional Commander of the police officer who fired the plastic bullet(s). This letter requests a completed 30/21 form and witness statements from the police officer who fired the plastic bullet(s), his/her immediate commander (who usually gave authority to fire the plastic bullet(s)) and any other police officers who witnessed the event.
3. 30/21 report form. This form is central to the RUC's decision about the justifiable use of force. It contains the bare bones of the incident which led to the use of plastic bullet(s), and an opinion from the Sub-Divisional Commander to the Complaints and Discipline Branch on whether the use of plastic bullets was justified. It also includes a recommendation as to whether or not disciplinary action should be pursued against the officer who fired the plastic bullets.

4. Witness statements from a variety of police officers.
5. Reminder letters were frequently found in respect of completing the 30/21 forms and accompanying witness statements. The initial standard letter (2 above) normally requests that the 30/21 form and witness statements should be completed within 21 days (but times do vary).
6. Amendment letters were also found pointing out missing information in witness statements and often how these witness statements should be amended. Letters also pointed out missing or contradictory information in 30/21 forms and, on occasions, how they should be amended.
7. A record of ammunition discharged is copied to a Central Supplies Unit of the RUC.
8. A closure letter is sent to the Sub-Divisional Commander of the police officer who fired the plastic bullet(s) stating that no further disciplinary action will be pursued.

The anatomy of a decision by the RUC in respect of whether there was justifiable use of plastic bullets

After receipt of an MSX message, the Complaints and Discipline Branch sends out a standard letter to the Sub-Divisional Commander of the officer who fired the plastic bullet(s). The Sub-Divisional Commander returns witness statements and the 30/21 form to the Complaints and Discipline Branch. Included in the 30/21 form is an opinion about the justified use of plastic bullets. The Complaints and Discipline branch of the RUC makes the decision that the use of plastic bullets was justified and that no disciplinary action will be pursued.

Samples and files

Most files examined contained information relating to the firing of more than one plastic bullet, and sometimes by more than one police officer. Some files covered the firing of dozens or scores of plastic bullets. The study looked at the record keeping of the file as a whole, the chain of authority to issue, carry and fire plastic bullets, and decision making by the RUC as to whether there was justifiable use of force and any need for disciplinary action amongst other things. In substance this decision making means looking at whether the codes of practice were met and whether the use of force was proportionate in terms of the need to preserve life and in more extreme cases property.

To distinguish between some of these issues it was necessary to separate some files into a number of samples. Hence, if different police officers fired plastic bullets these would appear as a different sample in the study. If the same police officer fired plastic bullets at different locations or after a significant break in time, these would also appear as different samples. The data collected indicates how many plastic bullets were included in the file as a whole and also how many were contained in the sample.

Issues examined in the study

The main issues examined in the study were:

- Dates, times, locations and incidents when plastic bullet(s) were fired.

- Volume of plastic bullet(s) fired and the number of people hit by them.
- The time taken for the entire accountability exercise from the time the plastic bullet(s) was fired until the decision was made that the use of plastic bullet(s) was justified and that no disciplinary action would be pursued.
- The documents contained in a file (standard documents noted above) including missing documents and non-standard documentation contained in files (e.g. maps and photocopied notebooks).
- The record keeping standard of the file as a whole.
- The RUC's design of standard forms.
- Witness statements.
- The 30/21 form.
- The description of events leading to the use of plastic bullet(s) contained in the files, the description of alternative methods of force used and the description of those attacking the police (both of the person and of their actions which are central to any decision on proportionality).
- The opinion of the Sub-Divisional Commander as to whether or not the use of plastic bullet(s) was justified.
- The decision making by the Complaints and Discipline Branch as to whether there was justifiable use of force and any need for disciplinary action.
- The chain of authority to issue, carry and fire plastic bullet(s).
- Whether there was self-authorisation to fire, conditional authorisation from a superior police officer to fire or direction from a superior police officer to fire plastic bullet(s).
- Compliance with the ACPO guidelines. In particular – the threat to life and property, whether warnings were given, whether plastic bullet(s) were fired at selected individuals, whether they were aimed below the chest, and the distance between the officer and the target.

The methodology used was in part quantitative and in part qualitative.

Recent developments

This report was first completed on 9 January 2001. It was forwarded to the Chief Constable for comment. The Chief Constable responded to the draft in a letter of 26 February. Subsequently some minor alterations were made but there have been no substantial changes made to the report of 9 January.

This report has coincided with the RUC's review of its procedures for resorting to the use of force. The Chief Constable has indicated that some of the recommendations in this report will be "actioned" and that some of the recommendations will be "helpful in informing the review". No further details can be supplied at the time of publishing this report.

Another recent development is that the Northern Ireland Police Ombudsman will now be "immediately informed" after the discharge of a plastic bullet. The stated intention of the Office of the Ombudsman is to conduct an investigation where possible, which will include an examination of whether there was compliance with ACPO guidelines and

whether there has been proportionate use of force. The Ombudsman will have access to all documentation, have the power to conduct forensic tests, attend debriefs, view CCTV held by the RUC and so forth. No more detail can be provided at the time of finalising this report, as protocols are being developed between the RUC and the Ombudsman. However if there are large numbers of plastic bullets fired in a concentrated area over a short period of time, the Office of the Ombudsman has suggested that it may not be logistically possible for the Ombudsman to ensure that on each and every occasion a plastic bullet has been fired it will be able to fully investigate to ensure that there has been compliance with ACPO guidelines and proportionate use of force.

CHAPTER 2

THE FINDINGS OF THE STUDY

Volume of plastic bullets fired and the number of people hit by them

The study examined 20 files held by the RUC, which were grouped by location, date and time. The researcher broke these down further to 35 samples, splitting up files on grounds of different police officers firing plastic bullets or a significant break in time or location between a single police officer firing different plastic bullets. Nine of the 20 files examined contained more than one incident of a police officer firing plastic bullets or a single police officer firing plastic bullets at a different location or with a significant break in time.

In these 20 files 122 plastic bullets were fired in total. The officers firing them claimed to have hit 48 people (in 25 of the 35 samples there was at least one person hit). The number of people hit could have been slightly higher than this as a number of police officers recorded in their witness statements that they were not sure if their plastic bullets had definitely failed to hit their targets. Most of the plastic bullets in question were fired during hours of twilight or darkness.

In respect of the 74 plastic bullets which missed their targets, only about one-third were accounted for (i.e. there was a description in the witness statements of where they had landed).

Dates, times, locations and incidents when plastic bullets were fired

Most of the plastic bullets fired were done so in connection with the marching season, in terms of date or event. Only two of the files examined were not connected to marching.² Twenty-one of the 35 samples related directly to Portadown. In two of the files examined plastic bullets were not fired during hours of darkness.³ There was one file of the 20 examined which held no record of the time of the firing of the plastic bullet.⁴ The plastic bullets were fired at both perceived Nationalists and perceived Loyalists.

The incidents in which plastic bullets were fired included Drumcree related attacks against police, housing estates and rival crowds in and around Portadown; planned and unplanned attacks on police; clashes between rival crowds; and attacks on passers-by. It was not always possible to fully understand the event leading to the use of plastic bullets because the police officers frequently stated that they were performing public order duties and were confronted by a riotous crowd, without describing the cause of the event. Often the information contained in police witness statements contained less information than was available elsewhere in the file⁵ (see below).

² Sample 8 (a planned search for weapons in Belfast) and 21 (police were lured into an ambush in Lurgan).

³ Samples 8 and 34.

⁴ Sample 23.

⁵ Sample 14.

The time taken for the accountability exercise

The time taken for the entire accountability exercise from the time the plastic bullet(s) was fired until the decision was made that the use of plastic bullet(s) was justified and that no disciplinary action would be pursued varied considerably.

The time taken for this exercise in respect of the 20 files examined was:

One to two months	1 file
Two to three months	3 files
Three to four months	5 files
Four to five months	2 files
Five to six months	2 files
Six to nine months	4 files
Nine to twelve months	0 files
More than a year	3 files ⁶

Noticeable factors which slowed this exercise down included the need for Complaints and Discipline Branch to write to the Sub-Divisional Commander for a witness statement to cover authority to carry plastic bullet guns and ammunition. There were a number of files which contained 'prompt' letters to the Sub-Divisional Commander to comply with the earlier request to file the 30/21 form and witness statements. There was also a high degree of information confusion in a number of files (see below) including the number of plastic bullets fired, and where authority to fire plastic bullets was derived from.

In twenty-one of the 35 samples examined, there was a need for the Complaints and Discipline Branch to write to the Sub-Divisional Commander for further information or clarification following the first filing of the 30/21 form and witness statements.

The documents in the files

The documents contained in a file also varied considerably. The standard documents contained in a file have been noted above. There was a conscious effort to expand on these standard documents in respect of the Drumcree stand-off. There was a larger than usual number of witness statements for Drumcree 2000⁷. There was also a conscious effort to collect 'scene setting' witness statements from senior police officers about the general level of violence, and to use maps in a number of cases to illustrate where police officers were standing in relation to those fired at.

Of the standard documents that should be found in a file:

- Three of the 20 files were found to have no MHS or MSX message.⁸

⁶ The times taken were 13 months, 20 months and 20 months.

⁷ Samples 1 and 3.

⁸ Samples 14, 24 and 30.

- Four of the 20 files were found to also contain a ‘synopsis of events’ sheet.⁹ In some instances these sheets contradicted information elsewhere in the file or described events differently.¹⁰
- Two of the files were also scrutinised by a ‘Drumcree Inquiry’ team but they appear not to have noticed or to have ignored the defects in the file.¹¹
- All files contained the requisite 30/21 form.
- All files and samples examined had a record of the number of plastic bullets fired returned to a central supplies unit (though in a small number of cases there remained confusion about the number of plastic bullets fired at the time of closing the file¹²).
- All files contained at least one witness statement from the police, and on all occasions a witness statement from the officer who fired the plastic bullet(s). In 19 of the 20 files examined there was more than one witness statement from the police. This provided a degree (whether to a high or low extent) of corroboration about the events. However there was a noted practice of the Complaints and Discipline Branch writing back to the Sub-Divisional Commander pointing out contradictory or missing information, and also how witness statements should be amended (see below).

The design of the RUC's standard forms

The design of the standard forms clearly caused difficulty for those using them on a number of occasions.

- **MSX message**

The design of the MHS/MSX appears to cause confusion in respect of where authority to fire plastic bullets was derived from. In one case¹³ authority to fire plastic bullets was clearly by means of ‘self-authorisation’, but the MSX message was not clear on the subject. The witness statements of the Constable who fired the plastic bullets and his Sergeant both pointed to self-authorisation rather than authority being given to the Constable by the Sergeant to fire plastic bullets. The Sub-Divisional Commander stated in the 30/21 form that authority to fire was given to the Constable by the Sergeant (presumably because of what he read in the MSX message). This caused the Complaints and Discipline Branch to write back to the Sergeant asking him to amend his witness statement accordingly. As the sample indicates, this second witness statement is purported to be filled in on a date when it clearly could not have been and in view of the declaration could in fact result in a criminal prosecution against the Sergeant in question.

- **30/21 form**

The 30/21 form lacked enough space for the Sub-Divisional Commander using it to include all relevant details of the incident – in particular to describe the incident and offer an opinion with reasons about the justified use of plastic bullets¹⁴. Some Sub-Divisional

⁹ Samples 14, 23, 31 and 32.

¹⁰ Samples 14 and 23 in particular but also 31.

¹¹ Samples 7, 19, 20, 21 and 22.

¹² Samples 10, 14 and 19 illustrate confusion over the number of plastic bullets fired.

¹³ Samples 29.

¹⁴ Samples 1 and 3 illustrate this.

Commanders offered a good level of detail about the events and why they thought the use of plastic bullets was justified. Some did not and simply said, 'Justified' in respect of the box, *Opinion on whether the use of PBRs [plastic baton rounds] was justified*.¹⁵ On a number of occasions the form was not properly completed (see use of the 30/21 form below).

Similarly there was varying use in respect of the box, *Damage to Property*. Some Sub-Divisional Commanders would include damage caused by rioters in some files, while others would not, even if there was clearly a great deal of damage caused by rioters to property.¹⁶

Parts of the form also had a subjective quality and were filled out differently (again see use of the 30/21 form). A particular problem with the design of the form is that it includes a box entitled 'date stamp'. It is unclear if this is to be stamped by the sending RUC station, the receiving Complaints and Discipline Branch or both. The receiving Complaints and Discipline Branch does normally stamp the form but the sending station does not always do so.

The form is clearly designed for use by the Sub-Divisional Commander of the police officer who fired the plastic bullet, and not the police officer himself. However on a number of occasions the 30/21 form was filled out by the police officer who fired the plastic bullet (or another police officer with them), and not his Sub-Divisional Commander. There is no reason to believe that the Sub-Divisional Commander did not sign the forms.¹⁷

The use of witness statements

In all, 189 witness statements were read in the 20 different files. The contents and completeness of these witness statements (all made by police officers) varied greatly. 72 of the 189 witness statements were not properly signed by the police officer making them.¹⁸ In only three of the 35 samples were all the witness statements properly signed by a receiving or recording police officer, properly dated and the insert as to the number of pages in the witness statement completed. In respect of the part of the form to be signed by the police officer making the statement or by the police officer recording or receiving the statement, there was either a blank or a typed name. Often the officer making the statement failed to insert the number of pages into a blank area in the witness statement.

There were also a large number of witness statements, which were not claimed to be originals (and therefore had no signature from the police officer making them), but had an insert added saying, "Certified to be a true copy of the original _____", and a

¹⁵ Sample 15.

¹⁶ Samples 23, 24 and 26 illustrate this.

¹⁷ Samples 5, 19 and 32.

¹⁸ In 15 of the 35 samples not all of the included witness statements were properly filled in by the person making them.

signature added. However, there were no certified copies accompanied by an explanation as to what had happened to the original. No exact number of witness statements were noted in respect of this, but the estimate of the researcher is that approximately one in five were certified true copies of the original (at least 17 were noted in the study).

In only a handful of instances did the police officer making the witness statement, receiving or recording it, or certifying that it was a true copy of the original, include his or her RUC registration number alongside their signature. Signatures were on occasion noted to be illegible. There was also evidence of missing witness statements from files.¹⁹

In one file a 'fill in the blanks and delete as appropriate' proforma witness statement was examined.²⁰ It was filled in and deleted as appropriate by the Inspector who made it. It read:

"I am a _____ in the Royal Ulster Constabulary presently stationed at _____. On _____ I was in charge of a foot patrol/static point/mobile patrol in landrover registration number _____ call sign _____. We were on duty at _____ and were confronted by a riotous crowd of approximately _____ youths. These youths were throwing missiles/petrol bombs/attacking property/ at police/at our landrover. I then gave a warning by use of the vehicle tannoy using the following words:- "Attention, attention this is a police officer speaking. Unless you stop rioting immediately baton rounds will (again) be fired. No further warning will be given." I instructed _____ who had previously been detailed to carry the H&K riot gun by _____ to discharge baton rounds at these rioters to disperse them. In all he/she discharged _____ baton rounds claiming _____ hits."

The form was filled in by hand and signed by the Inspector making it.

Many other witness statements had similar contents (although they were typed) and were scant in detail as to the events. Some contained less detail than could be used to make a decision as to the justifiable use of force. In one file,²¹ which illustrates this, there was a witness statement from a police officer who had fired 15 plastic bullets. It repeats most of what was stated in another witness statement about the general level of violence. At the important part it reads:

"Between 1.15am and 3.00am approximately on 7 July 1997 I discharged 15 baton rounds over a distance of approximately 50 metres at various youths and rioters who were throwing petrol bombs at these houses... The baton round (sic) I discharged at petrol bombers rioting either missed or struck the corrugated fencing, which they were hiding behind. I claimed no hits at this time."

¹⁹ Sample 6.

²⁰ Sample 14.

²¹ Sample 33.

This reads very like a pre-prepared 'fill in the blanks and delete as appropriate' witness statement. It also contains no description of the persons aimed at, or specific threats posed by the person fired upon at the moment of firing. The researcher did not collect exact data on the number of witness statements which read like a typed version of a 'fill in the blanks and delete as appropriate' witness statement because this is not a black and white exercise.²² However, it is estimated that approximately one-third of the witness statements appear to be of this variety (excluding witness statements from officers in armouries signing out guns and ammunition, which are two or three sentences long).²³ This should be contrasted with witness statements containing a large amount of detail.²⁴

A number of witness statements examined had false contents because they purported to be dated on days on which they clearly could not have been or had additional sentences added in after they were first made (with no effort to change the date).²⁵ Others were suspicious as to the date when they were supposedly dated.²⁶ One file had nine witness statements (all typed) all supposedly made out on the day of the events.²⁷ Another file had thirteen witness statements (all typed) all supposedly made out on the day of the events.²⁸ Most of these had a formulaic quality, but even if they resulted from a 'fill in the blanks and delete as appropriate' witness statement, and then were sent to a typing pool, it is doubtful that they were signed and dated on the purported date.

There is a clear warning on all witness statements as to the truth of their contents. The declaration, which according to the form is "to be completed when the statement has been written", reads:

<p>"I declare that this statement consisting of one page each signed by me is true to the best of my knowledge and belief and I make it knowingly that, if it is tendered in evidence at a preliminary enquiry or at the trial of any person, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true."</p>	
<p>Dated this day of</p>	
<p>_____</p> <p>SIGNATURE OF MEMBER by whom statement was recorded or received</p>	<p>_____</p> <p>SIGNATURE OF WITNESS</p>

²² Sample 26 – use of language indicates that it came from such a 'fill in the blanks and delete as appropriate' witness statement.

²³ See sample 14 for a witness statement that is poor in descriptive terms.

²⁴ Samples 30, 34 and 35.

²⁵ Samples 14, 27, 28, 29 and 31.

²⁶ Samples 1, 3, 5, 15 and 26.

²⁷ Sample 1.

²⁸ Sample 3.

The contents of some witness statements were also contradictory,²⁹ while some retained confusion as to the number of plastic bullets fired (see above).

There was also constant use of stereotypes in the witness statements. In particular almost all witness statements (and other forms such as the 30/21 form) referred to 'riots', 'riotous crowds' and 'riotous behaviour'. Some police officers described the riot but some did not in their witness statements. There was also stereotypical use of the term 'youth'. A large number of police officers described being confronted by youths throwing objects. There was poor description of the individuals involved. One witness statement illustrated the over reliance on this stereotype (either through 'fill in the blanks and delete as appropriate' witness statements or stereotypical views of people) by referring to a "35 year old youth".

The use of the 30/21 form

There was no standardised use of the 30/21 form. Some Sub-Divisional Commanders filed different 30/21 forms for different police officers, while some put all the data onto one 30/21 form.

In twelve of the 35 samples there was no stamp on the 30/21 form from the sending RUC station. In two samples there was no signature from the Sub-Divisional Commander, and in none of the 35 samples was there a date alongside the signature (though in a number of cases there was a stamp from the sending RUC station).

In six of the 35 samples the Sub-Divisional Commander had not included the number of plastic bullets fired in the 30/21 form (though the information was available elsewhere in the file).³⁰

There was differing use of box 6, *Details of known injuries to Person*. Some Sub-Divisional Commanders would fill in 'Not Known' while some would record whatever data was available, e.g. 'person hit on right lower leg and limped off'.³¹ Again there is inconsistency in the use of the box, *Details of members of the public involved*. Some Sub-Divisional Commanders provided the details as to the description of petrol bombers and so forth, e.g. height, clothes, age, etc.³²

The description of events

The study looked at the files to determine the nature of the description of events leading to the use of plastic bullet(s), the description of alternative methods of force used and the description of those attacking police (both of the person and of their actions).

The researcher viewed the files in their entirety to determine if they adequately described the number of members of the public involved in the incident and their role(s). Twenty-

²⁹ Samples 5, 6, 14, 29 and 31 are examples of more serious contradictory information.

³⁰ Sample 30 is such an example.

³¹ Sample 15 for example.

³² Sample 18 for example.

seven of the 35 samples examined offered some degree of understanding to the reader as to the events. Eight did not. The accounts of the police officers in these cases start (and often end) at the point where they fired the plastic bullets in question. One set of witness statements examined, which were minimal in content, told a different story when read without the ‘synopsis of events’.³³ The witness statements tell the reader that the officer was on patrol carrying out public order duties and came upon a riotous situation in which he was required to fire plastic bullets. The synopsis of events (which in this case appeared to be acting as a substitute for the missing MSX message) indicates that this was a planned search for weapons and the police officer was specifically charged with shooting plastic bullets as a form of crowd control to protect the officers carrying out the search. Other files are similar in their lack of description as to the events leading to the use of plastic bullets and the specific roles played by members of the public.

The researcher also examined the files in their entirety to determine if there was use of the term ‘rioting’ without description of the riot or its cause. In 27 of the 35 samples there was use of the term rioting without a description of its cause, or if its cause was not determinable then without describing the riotous behaviour itself. In the other eight there was use of ‘scene setting’ witness statements by senior police officers as well as the witness statement of the officer firing plastic bullets (which typically described an individual aimed at, if he was hit or not, distance, instruction to fire and so forth). There was a conscious effort to use this technique in Drumcree 2000.

The researcher specifically examined the witness statements of the police for the following categories, in respect of people fired at or observed as being involved in some form of rioting (typically this was throwing some form of object, often a petrol bomb, at police): age, height, clothes, gender, number, build, masked, unmasked.

In respect of the 35 samples the following was found:

None of the above descriptions	5 samples
One description	1 sample
Two descriptions	3 samples
Three descriptions	7 samples
Four descriptions	6 samples
Five descriptions	2 samples
Six descriptions	5 samples
Seven descriptions	2 samples
Eight descriptions ³⁴	4 samples

The 30/21 form does not require specific information as to the activities the person shot was involved in at the time they were shot. For example, it does not seek information about what the person was throwing or what other activity they were involved in to lead

³³ Sample 14.

³⁴ In some files persons were described as either masked or unmasked, and in some both descriptions would be contained. Some officers specifically mentioned gender, while some did not. There were no files containing females, so gender may not need to be specifically mentioned.

to the firing of plastic bullets, the distance point from which they threw objects and from where, where objects thrown landed or whether petrol bombs exploded or not. In an analysis of the available information, however, the researcher estimates that approximately one-third of officers filling out witness statements gave information over and beyond the fact that the person shot at was throwing a petrol bomb or other object. Only a handful of police officers included information as to whether petrol bombs (which featured in all files but one) fell short or hit police lines or exploded on landing.

In one sample there was a description of alternative methods of force used and a graduated response before the use of plastic bullets.³⁵

Justification of the use of plastic bullets

In all 35 samples examined the Sub-Divisional Commander stated that in his or her opinion the use of plastic bullets was justified. In 34 of the 35 samples reasons were offered, although the reasons often had to be drawn from elsewhere in the 30/21 form, as there was no specific request in the form to insert such reasons.

The form of the reasons offered varied from Sub-Divisional Commander to Sub-Divisional Commander. Approximately half of the Sub-Divisional Commanders gave reasons connected to a direct and immediate threat to life or property³⁶ (which was usually a reflection of what was in the witness statements completed by police officers), while approximately half of the Sub-Divisional Commanders gave reasons which were not connected to an immediate threat to life or property (again this was usually a reflection of what was in the witness statements completed by police officers) but reflected the general level of violence, disorder or rioting.³⁷

In one sample the Sub-Divisional Commander mentioned thunderflashes in the 30/21 form as being among the objects thrown at police, but this was not mentioned elsewhere in the file.³⁸ In another the Sub-Divisional Commander mentioned acid bombs as being among the objects thrown at police but this was not consistent with the information contained elsewhere in the file.³⁹

There were no noted cases of a Sub-Divisional Commander citing the defects in the file (above and below), and any defects in the witness statements appear to have been ignored.

³⁵ Sample 15.

³⁶ Sample 34 for example.

³⁷ Sample 33 for example.

³⁸ Sample 13.

³⁹ Sample 3.

The decisions of the Complaints and Discipline Branch

In all files examined the Complaints and Discipline Branch decided that the use of force was justified and that no disciplinary action would be pursued against the officer concerned.

In none of the files viewed was an investigation pursued. In a number of cases the Complaints and Discipline Branch wrote back to the Sub-Divisional Commander concerned and explained exactly how witness statements and 30/21 forms should be amended.⁴⁰

In one case witness statements were still being collected after the decision was made that the use of plastic bullets was justified and that no disciplinary action would be pursued.⁴¹

At the time of closing the files, eight of the 35 samples were in such a state that by any meaningful standard of accountability they should not reasonably have been closed.⁴²

The reasons were serious in nature: confusion over the number of plastic bullets fired, false or contradictory witness statements and no serious effort being made by the police officer to account for his actions.

The chain of authority to carry and fire plastic bullets

In a large number of files examined there was a need for the Complaints and Discipline Branch to write to the Sub-Divisional Commander (after the first 30/21 form and witness statements had been returned) for a witness statement(s) covering the authority to carry guns and ammunition.⁴³ On some occasions the officer who carried the guns and ammunition (and fired the plastic bullets in question) included where such authority had been derived from, but in other initial witness statements this was not covered. Even in cases where the Constable who fired the plastic bullets did state where his authority was derived from (usually a Sergeant or Inspector) there was still a need to write to the Sub-Divisional Commander to obtain a new or amended witness statement from the Sergeant or Inspector in question covering this.

⁴⁰ While generally Complaints and Discipline Branch would write to state that witness statements to cover authority to carry or fire plastic bullets was necessary, or clarify the number of plastic bullets fired, sample 19 indicates a detailed letter stating exactly how witness statements should be amended.

⁴¹ Sample 5.

⁴² Samples 6, 14, 19, 26, 27, 28, 29 and 33.

⁴³ 19 of the 35 samples included a need for an additional/amended witness statement to issue, carry or fire plastic bullets.

Only in 13 of the 35 samples was the chain of authority to issue, carry and fire plastic bullets fully completed when the 30/21 form and witness statements were initially filed. The identities of who was acting as gold, silver or bronze Commander was rarely known.⁴⁴

At the time of their closing, two of the 35 samples still did not have witness statements to cover authority to issue and carry guns and ammunition.

Authorisation to fire the plastic bullets

In three of the 35 samples examined there was specific authorisation from a superior officer to fire at an identified individual. In eight cases there was self-authorisation. In 24 cases there was conditional authorisation given to the officer firing the plastic bullets. Conditional authorisation usually took the form of 'fire only at identified petrol bombers' or 'at persons passing a particular fence and throwing objects at police lines' in the case of Drumcree. Some witness statements indicate only that authorisation was given to fire plastic bullets from a senior police officer, and did not state any conditional terms.

Compliance with the ACPO guidelines

ACPO guidelines provide the circumstances under which plastic bullets should be fired (see Appendix 1).

- Warnings

In 19 of the 35 samples there was evidence of a warning being given to the individuals or crowd that plastic bullets would be fired.

In six of the remaining 16 samples there was evidence (either implicit or explicit) that a warning was not possible in the circumstances. In ten of the 35 samples there was no warning and no explanation why a warning was not possible.

- Firing at individuals or at a crowd

In all but one of the 35 samples there was a clear indication that the officer firing the plastic bullets aimed at selected individuals rather than the crowd. In the outstanding case the officer states that he fired 15 plastic bullets during the event in question, claiming no hits, but did not state or imply if he fired at individuals or into a crowd.⁴⁵

⁴⁴ The chain of authority begins at Chief Constable or Assistant Chief Constable level. It is often described as gold, silver and bronze. Gold is Chief Constable level and bronze is the person in charge on the ground (usually this is an Inspector in planned events such as Drumcree but is often a Sergeant in non-Drumcree events). In files examined it is not always possible to trace the entire chain, but according to the RUC's own system of accountability it should be traceable at the bottom level from the Constable (who in practice fires the plastic bullet) to the Sergeant or Inspector who gave authority to issue and carry plastic bullet guns.

⁴⁵ Sample 33.

- Aim

In ten of the 20 files examined there was an indication that the plastic bullets were aimed at the chest or below (which is where the guidelines state they should be aimed). Largely this figure is derived from where the plastic bullet hit rather than where it was aimed. In most cases the officer records in his witness statement where the plastic bullet hit rather than where it was aimed and hit, or where it was aimed and missed. Only in a handful of cases did the officers concerned record where the plastic bullet was aimed as well as if it hit or missed.⁴⁶

There were no recorded cases of an officer stating that it was not possible under the circumstances to aim below the chest.

- Distance

In 24 of the 35 samples there was an indication of the distance between the officer firing the plastic bullet and the target. The lowest distance recorded was 20 yards and the longest was 50 metres. Some police officers who fired a large number of plastic bullets simply stated the distance over which they were all fired, e.g. 30 to 50 metres, rather than document the distance for each plastic bullet fired.

The record keeping standard of the file as a whole

Documents prepared by the Sub-Divisional Commander for the Complaints and Discipline Branch often did not give a full picture about the level of violence or the threat to life and property faced by individual police officers on the ground. This inhibited the researcher's ability to view information relating to all of the violence during an individual event, and all of the plastic bullets and other forms of force used in response by the RUC. Part of the problem stems from the fact that each Sub-Divisional Commander is asked only to account for the actions of his police officers. This makes it almost impossible to see the bigger picture, including the number of plastic bullets fired, and decide if the level of force used by the police was proportionate to the threat or violence posed against them and others.⁴⁷

Many of the problems with the files occurred within the same files. Poor information gathered by the police officers firing plastic bullets (which often appears to stem from a reliance on pre-prepared 'fill in the blanks and delete as appropriate' witness statements) acted as the starting point for a poor quality file. In extreme cases this led police officers to risk criminal prosecution by being casual in the way they changed witness statements. By contrast, witness statements which appeared not to be the result of pre-prepared witness statements led to a fuller picture and less information confusion in terms of plastic bullets fired, reasons for doing so and where authority to fire them stemmed from.

⁴⁶ Sample 24.

⁴⁷ Sample 14. It appears that five plastic bullets were fired in total during the planned search of premises for weapons but the Sub-Divisional Commander is only accounting for two plastic bullets fired. The situation becomes more complex in the case of Drumcree, when there are lots of snapshots contained in different files but no overall picture.

CHAPTER 3

RECOMMENDATIONS

While the Northern Ireland Human Rights Commission makes the following recommendations in relation to record-keeping, it should be remembered that this study was limited by access to only one category of files regarding the use of plastic bullets by the RUC. The files accessed related to incidents where no member of the public made a complaint and where the Complaints and Discipline Branch and the local Sub-Divisional Commander concluded that the use of plastic bullets was justified and that no further action was necessary.

1. The MSX Message

- 1.1 The MSX message should include a section to record the name of the officer who fired the plastic bullet(s), whether the officer was self-authorised, whether conditional authority was given to the officer or whether the officer was specifically authorised by another (and if so by whom).

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2. The 30/21 form

- 2.1 The 30/21 form needs to be redesigned and guidance provided for those who complete it. It should clearly state that it is for the use of a Sub-Divisional Commander. It should also be expanded to provide for (and encourage) the inclusion of more detail. There should be clear direction that separate 30/21 forms (or replacement forms) should be used for the following situations:

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- 2.1.1 Where different police officers fire plastic bullets in the same incident.
2.1.2 Where there is a command to fire plastic bullets from different senior officers.
2.1.3 Where there is a change in the conditions in which plastic bullets can be fired, e.g. a change from "at identified petrol bombers" to "persons passing a certain mark".
2.1.4 Where there is a significant difference in time or location between the firing of different plastic bullets.

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The following pieces of information should be provided on all 30/21 forms:

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- 2.1.5 The form should request a figure as to the number of people hit by plastic bullets and information relating to any injuries sustained.
2.1.6 The form should include separate boxes so that the sending police station as well as the receiving Complaints and Discipline Branch can add an office authorisation stamp.
2.1.7 The form should give clear direction that the Sub-Divisional Commander must sign, print his or her name and hand-write the date on the form.
2.1.8 The form should note the total number of plastic bullets fired by all police and army officers in one location at one time. (This may not be practical in the case of

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- Drumcree, where the information may need to be broken down into periods of time).
- 2.1.9 The form should require the number of annexed witness statements to be specified as well as who the witnesses are and the dates on which the statements were made.
 - 2.1.10 The form should provide more space for detail.
 - 2.1.11 The form should require that reasons be given for the views taken.
 - 2.1.12 The Sub-Divisional Commander should be specifically obliged to draw attention to any defects in the documentation, such as missing documents.

3. Witness statements

- 3.1 There is a need to end the practice of using pre-prepared witness statements. This would facilitate the giving of individual reasons for the use of plastic bullets relating to a specific threat to life or property.
- 3.2 A formulaic beginning to witness statements would be acceptable (much in the same way that solicitors and barristers use formulaic beginnings to affidavits). However this should only go as far as the officer's name and rank, that he or she was on duty, had previously been trained in the use of a baton gun and was instructed by another (armed) officer to carry the gun and ammunition. The remainder of the witness statement should detail the story and should be based on the officer's training and what he or she has noted contemporaneously. There is a need for information as to what was going through an officer's mind when making a decision to fire. Elements that should be in a good witness statement should first be set out in an information sheet covering the generic circumstances when plastic bullets should be fired (as in the ACPO guidelines), what information should be noted and what is necessary for police officers to make themselves accountable in the use of plastic bullets.
- 3.3 Witness statements should give as much relevant detail as possible, and include as a minimum the following elements: circumstances under which plastic bullet guns and ammunition were issued, information known about any potential circumstances relating to risk to life or property at the time of the issuing of the guns and ammunition, whether the officer self-authorized in respect of firing the plastic bullet(s), whether the officer was specifically instructed to fire at a particular individual, whether there was anyone acting in a lookout capacity, whether the officer firing the plastic bullet(s) was left with a limited or discretionary authority to fire, e.g. "at identified petrol bombers" or "at individuals passing the second fence", where the officer aimed in the case of all plastic bullets fired, where the plastic bullet(s) hit or landed, what was the distance between the officer firing and the person aimed at, a description of the person aimed at, the times at which the plastic bullet(s) were fired, and the relative strengths of the security forces and the threatening forces. This is not intended to be an exhaustive list.

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- 3.4 Increased use of "scene setting" witness statements by senior police officers should be encouraged. In particular, there should be greater information from those acting in a gold, silver or bronze commander capacity about the circumstances in which authority to carry guns and ammunition was given and the circumstances in which authority to fire plastic bullets was given.

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4. Decision-making on the justifiable use of force

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4.1 The Sub-Divisional Commander of the person firing the plastic bullet is not always best placed to offer an opinion as to whether the force used was justified. He or she does not always have first-hand knowledge of the immediate circumstances leading to the firing of plastic bullets, being merely a collector of witness statements.

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4.2 The Complaints and Discipline Branch should conduct a more meaningful scrutiny of files.

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4.3 There is a need either to provide an element of independent scrutiny, or to take the decision-making process away from the RUC altogether. If the method of decision-making as to justifiable use of force is left to the police themselves, there is a need to spot check these decisions and the documentation upon which they are based. Such spot checks should include interviews with police officers involved from any rank.

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5. Adoption of new practices

5.1 Contemporaneous note-taking by an officer and reference to this in witness statements (so that they can be verified later) should be made compulsory where it is practicable. If it is not practicable to make these notes contemporaneously they should be made as soon as is reasonably practicable after the event.

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5.2 There should be mandatory scene-setting witness statements by senior officers in large-scale operations, including details as to the level of violence faced, the graduated responses by police and the alternative methods of force used.

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5.3 There should be an increased use of maps in large-scale operations and where the written word alone does not readily describe the incident.

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5.4 Dictaphones should be made available in situations where the use of notebooks is impracticable.

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5.5 There should be a central logging of gold, silver or bronze authority (or, if this is replaced, the new chain of authority), of details as to when authority is given (both times and dates) to carry plastic bullet guns and ammunition and when it is withdrawn (both times and dates) and of details as to the number of individual officers/units permitted to carry arms and any restrictions imposed (e.g. as to geographical area).

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- 5.6 There should be spot checks on other verifiable documents, e.g. officers' notebooks and logbooks in armouries. Deleted: s
- 5.7 It should be a requirement that police officers print their name, rank and badge number alongside all signatures in all documentation. Deleted: P
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- 5.8 There should be mandatory dating of witness statements in officers' own handwriting. Deleted: ,
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- 5.9 There should be mandatory signing of witness statements by the persons making them. Deleted: M
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- 5.10 There should be mandatory signing of witness statements by persons receiving or recording them, and a clear statement on the face of the statements whether they received or recorded them. Deleted: M
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- 5.11 There should be mandatory dating to show when a witness statement has been received or recorded. Deleted: M
- 5.12 The records should include a reference to the size of the police forces (and weapons at their disposal) as well as of the crowds faced. Deleted: R
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- 5.13 There should be a positive obligation on the police to indicate why no warning was given to a crowd or individuals about the firing of plastic bullets. Deleted: P
- 5.14 There should be a positive obligation on the firing officer to state the target area at which he or she was aiming. Deleted: P
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- 5.15 There should be a positive obligation on the firing officer to state the distance between him- or herself and the person(s) fired at. Deleted: ed
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- 6. Time limits**
- 6.1 There should be improved time limits in relation to the processing of files. These could serve as a method of marking the success of any new or altered accountability system. Deleted: I

APPENDIX 1

ASSOCIATION OF CHIEF POLICE OFFICERS (ACPO)

GUIDELINES ON THE USE OF BATON ROUNDS AND FIREARMS IN SITUATIONS OF SERIOUS PUBLIC DISORDER

INTRODUCTION

1. Responsibility for setting the policy as to weapons and equipment which may be used in any force area rests with the chief officer of police. Where this equipment includes baton rounds and/or CS munitions for use in public order situations, the chief officer may delegate authority for the deployment of this equipment to an officer of Assistant Chief Constable/Commander rank. Such delegated authority may be for a specified time period, or within a specific geographical location of for a particular operation.
2. Public disorder includes a wide spectrum of unlawful activity which at the upper level may include serious rioting. In these situations conventional public order policing responses may have been tried and failed; and taking account of the level of violence and risk to officers, be considered no longer appropriate. Where on the basis of risk assessment of existing intelligence it is believed that serious rioting would involve a risk of loss of life, serious injury or significant damage property, an officer of Assistant Chief Constable/Commander rank may, with the prior agreement of the chief officer of police, deploy officers who are trained in the use of baton rounds and/or suitable CS munitions as a less than lethal contingency in dealing with serious disorder. In addition where there is reason to believe that lethal weapons may be used it will be appropriate to consider the deployment of specially trained officers armed with conventional firearms. These instructions should be read in conjunction with the Police Health and Safety Manual, Volume Three Appendix A.
3. The use of baton rounds can cause serious injuries. Use of baton rounds in Northern Ireland between 1974 and 1989 regrettably resulted in a number of deaths. The weapon system and baton rounds currently in use are of a significantly different design. However, as with all applications of force, there remains a potential for unintended serious and even fatal injury. The design and use of baton rounds is therefore subject to strict criteria. They may only be used as part of the common weapon system approved for use by members of the police service or HM forces in the United Kingdom. These revised guidelines take account of the continuing developments in the weapon system, baton round design criteria, command, control and training, all of which is designed to reduce the potential for serious and life threatening injuries. Nothing in these guideline

should be construed so as to constrain the police service in its fundamental responsibility to save life, protect property and maintain the peace. 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 the provisions of the UN Code of Conduct for Law Enforcement Officers and of their obligations to uphold human rights.

4. This document provides guidelines in responding to these levels of threat and on the use of baton rounds.
5. The deployment of specialist firearms teams in situations of public disorder must be closely co-ordinated and gives rise to specific command and control issues. For this reason specialist firearms resources should not be deployed without the express authority of an officer of at least Assistant Chief Constable rank.
6. Baton rounds are designed to provide a less than lethal option in dealing with threats of serious violence and provide an effective means by which rioters armed with petrol bombs or other weapons can be kept at a distance, contained or dispersed. They also provide a means of keeping at a safe distance those posing a serious threat to life which would otherwise require the intervention of officers at close quarters, and thus potentially placing them at great risk.
7. Baton rounds should only be used:
 - (i) 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 triedand
 - (ii) where their use is judged to be necessary to reduce a serious risk of:
 - (a) loss of life or serious injury; or
 - (b) substantial and serious damage to property where there is or is judged to be a sufficiently serious risk of loss of life or serious injury to justify their use.

In assessing the risk of loss of life or serious injury occurring, account should be taken of the risks to police officers and members of the emergency services as well as to members of the public and others.

Use of Force: Legal Provisions

8. Nothing in these guidelines affects the legal principles pertaining to the use of reasonable force as provided for under:

The common law duty to preserve the peace
The common law rules of self-defence
The Police and Criminal Evidence Act 1984 sec 117
and
The Criminal Law Act 1967 sec 3 which states:

“A person may use 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”.

9. The reasonableness of individual action will be subject to the combined tests of necessity and proportionality; in that, the objective cannot be achieved by a lesser degree of force and threat the anticipated injury or harm to be prevented is greater than the harm which is likely to be caused by the firing of a baton round.

Conditions of Use

10. Only baton rounds and baton guns of a type authorised by the Home Office may be used. Details of the approved equipment is included in the ACPO police user manual.
11. Baton guns are not to be loaded unless their use is imminent.
12. Baton gun commanders, in charge of tactical formations which contain baton gunners, will be responsible for giving directions to baton gunners including instructions to load and unload, authority to fire and directions to cease firing.

Warnings

13. Unless circumstances do not permit, baton rounds are to be fired only after an oral warning, for example by means of a loud hailer or PA system, has been given to the crowd to disperse. The warning should make clear that, unless the rioting stops or the crowd disperses, baton rounds will be used without further warning. A record is to be kept of the words used in giving the warning. The following words should be used whenever possible:-

“Attention, attention, this is a police message. Unless you stop rioting immediately, baton rounds will (again) be fired. No further warnings will be given”.

14. Baton rounds should be fired at selected individuals and not indiscriminately at the crowd. Baton rounds should be aimed to strike directly (ie without bouncing) the lower part of the target's body ie below the rib cage.
15. Unless there is a serious and immediate risk to life which cannot otherwise be countered use at under 20 metres or aiming the weapon to strike a higher part of the body is prohibited. In these circumstances the risk of serious and even fatal injuries is significantly increased and the firer must be able to justify the increased use of force.
16. Steps are to be taken to ensure that medical attention is provided at the earliest opportunity for any casualties.
17. When possible, baton rounds should be recovered.
18. Baton gunners may be deployed on foot or in specially adapted protected vehicles from which baton rounds may be fired. Baton rounds should not be fired from moving vehicles. Tactical formations will differ dependant on the local circumstances and resources of a particular force.

Reports

19. Baton gunners must complete reports pertaining to the reason for firing baton rounds and information about the outcome and number of rounds fired. The record should also list any known injuries that may have occurred as a result of using baton rounds.
20. In England and Wales the chief officer should supply to the Home Secretary a written report on the circumstances surrounding the firing of baton rounds as soon as possible after the incident.

PRE-PLANNED OPERATIONS

21. In situations where serious public disorder is anticipated an officer of Assistant Chief Constable/Commander rank may, with the prior agreement of the chief

officer of police, give authority for the deployment of officers trained and equipped with baton guns.

Command and Control

22. Police and command decisions in respect of the issue, deployment and use of baton rounds 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 baton guns as the disorder enters each new phase.

Authority for use

23. Before a decision to use baton rounds is put into effect, a designated senior officer, will by virtue of an on the ground assessment, confirm that the situation is sufficiently serious to justify the use of baton rounds, and that the criteria for use continues to be met. Except where urgent action is necessary, in circumstances where there is an immediate risk to life, baton rounds will only be used following authorisation by the Silver Commander.
24. Designated senior officers (DSO's) will be drawn from the Superintending and Inspecting ranks and will be fully trained for the role by virtue of a course approved nationally by the Association of Chief Police Officers. DSO's will have a detailed understanding of public order tactics and the ACPO guidelines governing the use of baton guns. The designated senior officer, will ensure that effective processes are in place for direction and control of baton gun commanders and baton gunners who have been specifically trained in the use of the equipment and know its characteristics.
25. Strict criteria applicable to the selection and training of baton guns commanders and baton gunners will ensure proficiency with the weaponry, thorough understanding of the conditions relating to its use, the injury potential and characteristics of baton rounds.

Records

26. All command decisions in respect of the issue, deployment and authority to use baton rounds should be fully recorded and documented. The DSO will be responsible for documenting the assessment of the situation and rationale pertaining to the decision to recommend the use of baton rounds. In addition

baton gun commanders will ensure that a record is maintained of the firing of baton guns and that baton gunners complete reports pertaining to the firing of baton rounds.

SPONTANEOUS DISORDER

27. Chief Constables must have contingency plans for the availability and deployment of baton rounds in emergency situations. These should provide for the availability and deployment of baton gun resources and establishment of appropriate command structures to enable an effective response to serious spontaneous disorder. As in pre-planned operations an officer of Assistant Chief Constable/Commander rank may, with the prior agreement of the chief officer of police, give authority for the deployment of officers trained and equipped with baton guns. The officer authorising deployment will ensure formal review and documentation of the requirement for baton guns as the disorder enters each new phase.
28. The contingency plans should provide for the introduction of formalised command and control structures with the minimum of delay however, nothing in these guidelines should be construed so as to prevent an immediate and effective police response or the firing of baton rounds where their use is necessary. Baton rounds may only be used if the strict criteria set out at paragraph 19.7 is met.
29. The requirement to deploy officers with batons rounds should be formally reviewed by an officer of at least Assistant Chief Constable rank on a regular basis.

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3rd April 2001