

Chapter 11:

AEP (Firearms Incidents - Less Lethal)

Chapter 11

Guidelines on Attenuating Energy Projectiles as a Less Lethal Option (Firearms Incidents)

General

- 11.1 This section represents the PSNI's guidance on the use of the AEP System as a less lethal option in non-public order situations. 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.
- 11.2 The deployment of the AEP System in non-public order situations is intended to provide a less lethal option. The intention is to control and neutralise the threat without recourse to lethal use of force. Whilst any use of force has the potential to cause lethal consequences, the proper use of the AEP system renders this significantly less likely than as the result of the use of conventional firearms.
- 11.3 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 (incorporated into United Kingdom law by the Human Rights Act 1998) is of particular relevance when they are used.
- 11.4 The AEP is not designed to immediately incapacitate a subject.
- 11.5 The potential consequences of this tactical option therefore must be given due consideration before the issue, deployment or use is authorised. The issuing of a firearm to a police officer does not, of itself, constitute a use of force. The law governing use of force is contained within:
- The Human Rights Act 1998.
 - The Common Law rules of self-defence.
 - Section 3 of the Criminal Law Act (NI) 1967.
- 11.6 Although not incorporated into domestic legislation, officers should take cognisance of the UN Convention on the Rights of the Child.

For further explanation see Chapter 9 Use of Firearms (Legal basis) paragraphs 9.33 – 9.55.

- 11.7 Whilst the discharge of an AEP represents an option, which is 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.
- 11.8 Users should be made aware that AEPs can ricochet in some circumstances and that the presence of obstacles and of personnel other than the identified subject should form part of their risk assessment in the decision to fire the weapon.
- 11.9 Consideration should also be given to the possibility of the unintended striking of 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.

Conditions of Use

- 11.10 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 for storage, maintenance, zeroing and operational use.
- 11.11 The common weapon 'system' comprises:
- The weapon.
 - The sight.
 - The munitions.
 - The Zeroing Instructions.
 - Maintenance and storage instructions.
 - ACPO Guidance on Use.
- 11.12 These guidelines apply to the use of the L104A2 launcher, using the L18A1 optical sight and the approved 37mm soft nosed impact projectile designated the L60A2, in policing operations other than public order. The weapon is hereafter referred to as the System.
- 11.13 The L104A2 must be zeroed in accordance with current guidelines for use as a less lethal option.
- 11.14 The System must only be issued to and used by officers who are fully trained in its use in firearms and other non-public order situations. COT and SOB Training will maintain a register of all officers, within their respective area of responsibility, who have been trained to this standard.

- 11.15 Officers involved in planning operations where the use of the System as a less lethal option is being considered should consider the terms of the NDM contained in ACPO APP – Armed Policing and Chapter 9 of this manual.
- 11.16 Legal restrictions with respect to the use of force, including those contained in the Human Rights Act 1998, apply to the deployment and use of less lethal weapons as they do with other tactical options.

Authority for Issue

- 11.17 Chapter 9 - Police Use of Firearms (paragraphs 9.160 – 9.161) outlines the authority to issue the System to suitably trained officers for use as a less lethal option in firearms and non-public order situations. The Launcher for such deployment should be carried in a suitable secure place in a police vehicle.