

Baton Rounds Report 2005



A summary of 24 Reports by the Police Ombudsman for Northern Ireland to the Secretary of State, the Northern Ireland Policing Board and the Chief Constable of the Police Service of Northern Ireland on the discharge of baton rounds by Police Officers during 2001 and 2002.

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Independent Impartial Investigation



In 2002 we produced a Report, which was effectively a synopsis of the investigations of those occasions on which baton rounds had been used and a Report had been made to the Secretary of State, Chief Constable and Northern Ireland Policing Board under Regulation 20 of the RUC (Complaints etc.) Regulations 2000.

This second Baton Round Report summarises 24 such Reports on the discharge of baton rounds between 2001 and 2002. It also provides some analysis of the results of the investigations.

The use of baton rounds by the police and army has been contentious since the beginning of the Troubles. 17 people died from injuries sustained from plastic bullets (the precursor to the baton round) in the period ending in 1989. It was because of public concern in relation to the use of baton rounds that the first Report was published – we felt that it was desirable to put as much information as possible on the matter into the public domain. Following that Report, and in response to requests from members of the public, we decided that we would carry out more work and this Report deals with all the other investigations, which we have carried out on the use of baton rounds before September 2002. Use of the baton round has now been discontinued, and a new attenuating energy projectile (AEP) is in use by the PSNI. We are investigating each occasion on which it is used and will report publicly on all such use. It is hoped that this Report will contribute to further understanding of the realities of public order policing, one of the greatest challenges facing the PSNI at the present time.

Nuala O'Loan

Mrs Nuala O'Loan
Police Ombudsman for Northern Ireland

Summary

1. Under Section 55(4) of the Police (Northern Ireland) Act 1998, the Chief Constable of the Police Service of Northern Ireland (PSNI) can refer matters to the Police Ombudsman for Northern Ireland. The Police Ombudsman investigates and reports on these matters to the Secretary of State, the Chief Constable and the Northern Ireland Policing Board under Regulation 20 of the RUC (Complaints etc.) Regulations 2000.
2. In accordance with an agreed protocol, the Chief Constable routinely refers incidents relating to the discharge of baton rounds by Police Officers to the Police Ombudsman. The Police Ombudsman has now produced 31 reports relating to PSNI baton round incidents during 2001 and 2002. The first seven of these Reports were summarised in a publication in 2002; this paper summarises the findings of the subsequent 24 reports.
3. The police discharged 299 baton rounds during the 24 incidents (on average 12.5 per incident), of which 209 hit individuals (hit rate of 71 per cent - see Table 1). The maximum number of baton rounds discharged in one incident was 60 (See Report 15 and Appendix1 Table A15).
4. Seventy Police Officers were involved (on average 2.9 officers per incident and 4.3 baton rounds discharged per officer). Ten incidents involved only one Police Officer. The maximum number of Police Officers involved in any one incident was nine. The maximum number of baton rounds discharged by an officer was 20 with a hit rate of 85 per cent.
5. Twenty-one of the 24 incidents were within Belfast (ten in North Belfast) and the other three in Portadown and Crossmaglen.
6. The majority of hits (69 per cent) struck people's legs or feet, 14 per cent struck the body above or on the waist and 16 per cent struck the groin or buttock.
7. Of the 299 baton rounds discharged, 52 per cent were aimed at petrol bombers.
8. Ninety-eight per cent of baton rounds discharged were in accordance with the ACPO guidelines that the target range should be 20 metres or more.
9. In all the incidents examined the Police Ombudsman concluded that the discharge of the baton rounds was fully justified and proportionate, as were the authorisation and directions given. The deployment and use of the baton rounds in the vast majority of incidents were in full accordance with the relevant Force Orders and Association of Chief Police Officers (ACPO) guidance. No occurrences of police misconduct were found.
10. However, some deficiencies were found in police practice and processes that have led the Police Ombudsman to make certain recommendations regarding public warnings to be given, the issue of ammunition, the videoing of baton round discharges, the presence of baton gunner assistants and the facilitation of interviewing officers involved in these incidents.
11. There were 43 recommendations made to the PSNI via Regulation 20 Reports resulting from 15 of the 24 baton round incidents. These are highlighted throughout the report.
12. There were 15 complaints from members of the public in relation to 8 of the 24 baton round Incidents.

Introduction

The Chief Constable of the Police Service of Northern Ireland (PSNI) can refer matters to the Police Ombudsman for Northern Ireland under the provisions of Section 55(4) of the Police (Northern Ireland) Act 1998.

The Police Ombudsman must then investigate and report on these matters to the Secretary of State, the Chief Constable and the Policing Board under Regulation 20 of the RUC (Complaints etc.) Regulations 2000. These reports are referred to as Regulation 20 Reports.

In accordance with an agreed protocol the Chief Constable routinely refers to the Police Ombudsman incidents relating to the discharge of baton rounds by PSNI. As a result of these referrals and the subsequent investigations the Police Ombudsman has produced a total of 31 Reports for the

Secretary of State, the Chief Constable and the Policing Board relating to the discharge of baton rounds by PSNI during 2001 and 2002. A paper published during 2002 summarised the findings of seven of these reports. This paper summarises the findings of the next 24 reports to have been produced, relating to the incidents listed below.

In June 2001, the PSNI introduced the L21A1 baton round and withdrew the L5A7 from circulation. All incidents in these reports used the L21A1 baton round.

Incident location	Date	Incident location	Date
1 North Belfast/Ardoyne	12 Jul 2001	13 Portadown	25 May 2002
2 North Belfast/Woodvale	26 Sep 2001	14 East Belfast/Ballymacarrett	2 Jun 2002
3 North Belfast/Woodvale	27 Sep 2001	15 East Belfast/Ballymacarrett	3 Jun 2002
4 Crossmaglen	9 Dec 2001	16 South Belfast/Shafesbury	9 Jun 2002
5 North Belfast/Ardoyne	10 Jan 2002	17 East Belfast/Ballymacarrett	13 Jun 2002
6 North Belfast/New Lodge	30 Mar 2002	18 Portadown	7 Jul 2002
7 North Belfast/Duncairn	2 Apr 2002	19 West Belfast/Clonard	12 Jul 2002
8 North Belfast/Duncairn	3 Apr 2002	20 East Belfast/Ballymacarrett	10 Aug 2002
9 North Belfast/Ardoyne	21 Apr 2002	21 East Belfast/Ballymacarrett	15 Aug 2002
10 North Belfast/Ardoyne	4 May 2002	22 East Belfast/The Mount	20 Aug 2002
11 East Belfast/Ballymacarrett	12 May 2002	23 East Belfast/The Mount	21 Aug 2002
12 East Belfast/Ballymacarrett	14 May 2002	24 North Belfast/Castleview	11 Sep 2002

2. Guidance and legislation covering the use of baton rounds

The Police Ombudsman’s investigators examine the discharge of baton rounds having regard to ACPO Guidance, PSNI policy and the law relating to the use of such weapons.

The issue, use and deployment of baton rounds in situations of public disorder are covered by RUC Force Order 46/2000 (11 December 2000), which reflects the Association of Chief Police Officers’ Manual of Guidance on the Police Use of Firearms.

Section 3 of the Criminal Law Act (NI) 1967 provides the legal authority for the use of force. It states that: “A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting the lawful arrest of an offender or suspected offender or of persons at large.”

The application of law relating to human rights must also be considered in cases in which force is used. The applicable test is more rigorous than that which previously existed under the Criminal Law Act. Force used must be “no more than absolutely necessary”. The amount of force used must be proportionate to the achievement of the purpose for which it is permitted to be used.

The following points are considered when assessing whether the degree of force used is “no more than absolutely necessary”:

- The nature of the aim being pursued: balancing the harm to be prevented with the likely outcome of the force to be used.
- Whether the use of force was proportionate in the given circumstances.
- Whether other options were considered before force was used.
- Whether the methodology used for the application of the force was in accordance with instructions and training.

“The amount of force used must be proportionate to the achievement of the purpose for which it is permitted to be used.”

3. Investigation methodology

These include:

- Examining all PSNI documentary evidence (baton round discharge reports, Operational Orders, decision logs, etc.),
- Retrieving and examining copies of PSNI photographs and video films, any CCTV video recordings and media film footage;
- Retrieving and reviewing of copies of PSNI Command and Control audio recordings;
- Auditing the issue and return of baton rounds,
- Visiting hospitals in the vicinity in an effort to identify persons struck by baton rounds who have attended with injuries;
- Visiting the incident site, and if necessary photographing and/or mapping it;
- Taking statements from PSNI commanders and other officers involved;
- Interviewing those baton gunners who discharge baton rounds;
- Appealing to the community for information and witnesses;

- Taking statements from any witnesses;
- Talking to local community leaders;
- Monitoring media reports of the incident, and;
- Taking statements from any complainant that might have lodged a complaint as a result of the incident.

Due to personal safety considerations, it is not normal for investigators or any other member of the Police Ombudsman's staff to visit the scene of an incident while any public disorder is still ongoing.

The baton guns used by officers in these incidents were not normally seized and examined. Firstly this is because, in the experience of the Police Ombudsman's investigators, officers do not deny having discharged their weapons. Secondly, advice received from the Forensic Service of Northern Ireland indicates that, it is safe to say that the gun has been discharged, there is little forensic value in seizing a weapon. There would only be real value in this if the officer concerned denied discharging the weapon and if the discharged baton round was recovered.



4. Report Summaries

4.1

Report 1: North Belfast, 12 July 2001

Details of Incident

Four Orange Lodges with accompanying bands had been permitted by the Parades Commission to walk from their respective Orange Halls to the starting point of the main Orange parade on 12 July 2001 via Crumlin Road, Woodvale Road and the shopping area of the Ardoyne. The morning's parade passed off relatively quietly, but during the early evening nationalist crowds began gathering in the area of Estoril Park, Ardoyne Road, Brompton Park and Crumlin Road prior to the return of two Orange Lodges and a band on their way to Ligoniel Orange Hall. Intelligence gathered by PSNI suggested that a crowd intended blocking Crumlin Road. PSNI deployed in the area at about 17:00 in an attempt to keep the roads open, but by 18:10 stones were being thrown at the Police Officers from Estoril Park. Despite the issue of a number of warnings, the crowds did not disperse and officers started sustaining injuries. An Assistant Chief Constable authorised the deployment and use of baton guns at just after 19:00 and at the same time a water cannon was brought into use against a petrol bomber on Ardoyne Road. The rioters' throwing of stones and petrol bombs escalated along with resultant injuries to officers. At 19:41 the PSNI Inspector on the scene again authorised officers to use their baton guns.

The disturbances were particularly ferocious with over one hundred officers being injured, some of them seriously. Officers discharged 47 baton rounds between 19:49 and 23:06; 28 rounds struck people while 19 missed. Table A1 in Appendix 1 summarises the individual officers' discharge records and the persons targeted. It shows that the largest proportion of baton rounds (19 out of the 47) was discharged at persons either carrying or throwing petrol bombs. Fifteen out of the 47 rounds were discharged at persons throwing other types of missile, e.g. lumps of concrete, rocks and stones. One baton round was discharged at a car, which was on fire and was being driven by a masked person towards the Police Officer's line. Table A1 in Appendix 1 shows that the 20 of the 28 baton rounds, which struck people, hit them on the legs. Seven rounds struck people on the body (including the groin area and the buttocks), and one struck a person on the arm. The hit rate varied between officers e.g. Officer A discharged four baton rounds with four misses, while Officer C discharged eight rounds and had eight hits. Although no baton rounds were discharged after 23:06, at least 50 further petrol bombs were thrown at Police Officers before the rioting died down after about 03:00 the next morning.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation of the evening's events, despite being stoned in Estoril Park when they visited the incident site. The investigators concluded that there had been a premeditated and organised attack on Police Officers. Police Officers had acted with great restraint in the use of baton rounds, and their discharge was justified and proportionate in the circumstances.

It was established that all the officers who had discharged baton rounds were trained and qualified in the use of baton guns and the new L21A1 baton rounds at the time. Consultations took place between PSNI and community leaders (including two MLAs) in an attempt to resolve the conflict, but to no avail. The authorisation to deploy baton guns and their subsequent use were correctly issued, and ACPO Guidelines and Force Orders were for the most part adhered to (see next paragraph). Public warnings were given by PSNI via PA systems before their deployment of the baton guns and of the water cannon. In particular, there was no evidence to indicate that rounds were discharged at less than the 20-metre range recommended in the ACPO Guidelines in operation at that time. There was no evidence of criminal or misconduct offences being committed by officers.

However, a number of issues arose from the events of the night and the subsequent investigations. The Police Ombudsman's investigators experienced substantial delays in obtaining relevant documentation from PSNI, which in turn led to considerable delay in the production of the Regulation 20 Report. More significantly, an issue arose regarding the assignment of officers to act as baton gun assistants to the baton gunners. These assistants serve a critical role in ensuring that accurate records are made of events (in what are often very confused and dangerous events occurring during the hours of darkness). Their deployment is in Force Order 46/00, Appendix A, Paragraph 6, which states that baton guns should be deployed in a two-person team structure "whenever possible". In this investigation only two baton gunners were assigned assistants, one of whom was removed from the Police Officers line after being injured and was not replaced. This officer was assisting Officer C who discharged eight baton rounds and whose account of the events surrounding the discharge of one particular baton round was not verified by video evidence. As a result of this, Police Ombudsman's investigators interviewed Officer C.

It was found that this officer had been struck on the head by a missile during the rioting, leaving a one-inch hole in the protective shell of his helmet, and that he had been on continuous duty for some 30 hours. He was immediately declared unfit for duty after going off duty that night. The Officer accepted that he had made an error in his report, and given the circumstances the Police Ombudsman recommended that no disciplinary action be brought against him.

The Police Ombudsman described the fact that this officer had been allowed to carry out such a long period of continuous duty as “unacceptable”. It was recommended that no baton gunner should be on duty for this length of time and that PSNI should consider the appointment of Post-Incident Officers, part of whose role would be to facilitate the interviewing of officers involved in critical incidents.

There were four complaints made to the Police Ombudsman arising from this incident. Three were allegations of oppressive behaviour resulting from being hit by baton rounds. However, all three were closed due to the complainants failing to respond to preliminary enquiries initiated by the complaints office. The fourth complaint, from a teenage girl, was fully investigated and closed due to insufficient evidence to substantiate the allegation of being hit on the forehead by a plastic baton round by the police. All medical evidence from the Mater Hospital and a medical examination stated that the injury was unlikely to be a direct hit by a plastic baton round. The investigation concluded that she was not directly targeted by a baton gunner.

Recommendation 1

There were significant delays in the Police Ombudsman obtaining relevant documentation from the PSNI. This problem needs to be addressed in ensuring that all evidence is available for scrutiny by the Police Ombudsman, thereby avoiding unnecessary delays in completing Regulation 20 Reports.

Recommendation 2

Force Order 46/00, paragraph 6 of Appendix ‘A’ states that a baton gun team should consist of two persons. The baton gun assistant has a crucial role in ensuring an accurate record of events. It should be stressed to Commanders, that whenever possible, they should attempt to fully comply with the terms of the force policy and order.

Recommendation 3

The making of statements should be completed as soon as practicable unless the officer complains of injury or illness. In these circumstances a Force Medical Officer should be asked to confirm whether or not the officer concerned is fit to make a statement.

Recommendation 4

The PSNI considers the training and appointment of Post Incident Officers, part of whose role is the facilitation of the interview of officers involved in critical incidents.

Outcome

A revised version of General Order 46/00 was issued to take account of ACPO Guidelines on the use of baton rounds.

PSNI accepts your view that no gunner should be on duty for thirty hours. At the same time, however, we have to take account of the practical reality of policing in Northern Ireland and, specifically on this occasion, our Article 2 obligations to prevent serious inter-community violence. Officers have been notified of the outcome of your investigation. PSNI took note that the Policy Directive on Post Incident Managers has now been approved and the revised General Order issued.

In all circumstances, members issued with baton guns 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.

4. Report Summaries

4.2

Report 2: North Belfast, 26 September 2001

Details of Incident

Increasing sectarian tension in North and West Belfast during mid to late September 2001 led PSNI to believe that there was a serious risk of public disorder in these areas. This was backed up by intelligence data suggesting that loyalist groups had acquired supplies of firearms, blast bombs and other weapons.

A particular local flashpoint was the Brookfield Mill on Crumlin Road, the scene of an abduction of a prominent loyalist later rescued in a PSNI operation. On the evening of September 26 a crowd of about 250 to 300 loyalists gathered on the Crumlin Road, intent upon going to the Mill. Before leaving the scene, a local MLA told PSNI that he thought the crowd was out of control and that he feared disorder and violence. Three Mobile Support Units (MSUs) and one Operational Support Unit (OSU) were deployed to the area around the Mill and the junction of Cambrai Street and Crumlin Road, but an attack on the Mill still took place. The deployment and use of baton guns was authorised by an Assistant Chief Constable at 19:24 and 19:46 respectively. PSNI personnel from all three MSUs and the OSU discharged baton rounds; the following is a brief summary of the events of the confused proceedings of the evening. As the crowd advanced on the Mill, fireworks were thrown at the Police Officers' line guarding the gates. Rapid advances by Police Officers intending to force rioters away from the scene resulted in Police Officers being heavily attacked with petrol bombs, bottles and stones; Police Officers subsequently withdrew and held a line behind their Land Rovers in various streets surrounding the Mill. At about 20:00 four or five low-velocity and eight high-velocity shots were fired at Police Officers. At this stage Officer A discharged the first of the baton rounds that were fired that evening. Two further rounds were discharged, and subsequently shots were fired at Police Officers and about 15 petrol bombs thrown at them. A confirmed sighting of an armed man was made at 22:39, and two bursts of automatic gunfire were directed at Police Officers five minutes later. The crowd threw more petrol bombs, whereupon officers discharged three more baton rounds. At 23:03 an Inspector gave a Public Order warning over a PSNI Land Rover PA system. Four bursts of automatic gunfire were directed at Police Officer lines. A further seven or eight shots, accompanied by petrol bombs, followed at 23:30. Petrol bombers continued to attack Police Officer's lines in the surrounding area, and an officer was injured in a blast bomb explosion. Four more rounds were discharged, the last just after midnight. At this time the rioting started to diminish and the crowd dispersed.

Table A2 in Appendix 1 shows that eight out of the ten baton rounds discharged were aimed at persons either carrying or throwing petrol bombs. Eight rounds struck people, all of them on some part of the leg. Large quantities of fireworks, over 100 petrol bombs (many taken from crates of pre-prepared petrol bombs) and between 15 and 20 blast bombs were thrown at Police Officers during the disorder; in addition, 49 low and high velocity shots were fired at them and hijacked vehicles were set alight and pushed towards them. In turn, officers discharged four shots in addition to the ten baton rounds. Thirty officers were injured.

Police Ombudsman's conclusions

After a thorough investigation by Police Ombudsman's investigators into the discharge of the ten baton rounds and the events leading to these, it was concluded that the discharges were fully justified and proportionate, and that the authorisations and directions were properly given. The authorisation to deploy baton guns and their subsequent use was fully in accordance with Force Orders and ACPO Guidelines. A public warning was also given. It was noted that officers had been subjected to a ferocious attack by an extremely violent crowd determined to inflict as many injuries as possible using lethal weapons. No criminal or misconduct offences by officers were apparent. The investigation has shown that all officers were properly authorised and trained in the use of baton guns and the new L21A1 baton rounds.

There was one complaint made to the Police Ombudsman arising from an allegation of being struck by a plastic baton round. The complaint was fully investigated and closed due to insufficient evidence to substantiate the allegation of oppressive behaviour by the police.

4.3

Report 3: North Belfast, 27 September 2001

Details of Incident

Following the serious rioting described in the summary of Report 2, the next evening saw a renewal of the violence in the Cambrai Street area of North Belfast. At 19:00, a pre-planned protest by a group of demonstrators came under attack by an opposing group, who threw stones and bricks at this group and Police Officers. The crowds grew in numbers after an electrical fault extinguished the street lighting at 20:33, missiles including bricks, pipe bombs, petrol bombs and fireworks were thrown at Police Officers. While an intervention by a community worker resulted in a temporary reduction in the level of violence by 22:00. An Inspector issued a warning via a Land Rover PA system as the crowd had grown to about 300 people and petrol bombs were being thrown. After further stoning and petrol bombing, PSNI received intelligence at 22:50 that the rioters intended to use firearms against them. A Superintendent authorised the deployment of baton guns. At 22:55, a further and final public warning was given via a Land Rover PA system telling the crowd that baton rounds would be fired unless the crowd dispersed. The crowd responded with cheers. Three officers discharged 7 baton rounds in the space of the next 15 minutes, all of them at males either carrying or throwing petrol bombs. Table A3 in Appendix 1 shows that while two baton rounds failed to discharge, all five of those that did discharge struck their target. PSNI tested the baton gun which failed and it was found to be functioning. Two possibilities have been given which may explain the failure of the weapon: that the officer may not have properly disengaged the safety catch, due to ill-fitting gloves or the hammer may have touched the officer's partially-lowered helmet visor. These circumstances will be drawn to the attention of officers during baton gun training to reduce the possibility of recurrence.

Despite at least two shots being fired at Police Officers, the area became relatively quiet within the next 30 minutes, resulting in a Superintendent withdrawing the authority for baton round deployment. By 01:00 the area was reported to be "calm".

Police Ombudsman's conclusions

Following a thorough investigation by Police Ombudsman's investigators into the discharge of the baton rounds, it was concluded that they were fully justified and proportionate, as was the authorisation, directions and warnings given. The authorisation to deploy baton guns and the subsequent use of the baton guns was fully in accordance with the relevant Force Orders and ACPO Guidance. No criminal or misconduct offences by officers were identified. Thirteen officers received minor injuries during the evening. It was noted that both the original peaceful protestors and officers had been subjected to a premeditated and organised attack by a crowd that had made at least some degree of preparation for the evening. All three Police Officers were trained in the use of baton guns and the new L21A1 baton rounds at the time.

No complaints were made to the Police Ombudsman arising from this incident.

4. Report Summaries

4.4

Report 4: Crossmaglen, 9 December 2001

Details of Incident

During the afternoon of 9 December 2001, a group of over 100 nationalist demonstrators mounted a protest at the site of an army watchtower near Camlough, before moving on first to an adjacent site and then to Crossmaglen Police Station. At the adjacent site, some demonstrators attempted to break through the perimeter fence to gain access to the base, while others threw missiles (including metal fence posts) and shot stones from catapults at Police Officers. At 15:11, an Inspector issued a warning that baton rounds would be used if the rioting did not stop. Immediately afterwards, an officer discharged two baton rounds (see Table A4 Appendix 1). Although the disturbances continued, no further baton rounds were discharged.

Police Ombudsman's conclusions

Following a thorough investigation by Police Ombudsman's investigators into the discharge of the baton rounds, it was concluded that these were fully justified and proportionate, as was the authorisation, directions and warnings given. The officer who discharged the new L21A1 baton rounds was fully trained in their use and authorised to use them. The authorisation to deploy baton guns and the subsequent use of the baton guns was fully in accordance with the relevant Force Orders and ACPO Guidance. PSNI briefings were adequate, though there was some discussion during the de-briefing session as to whether adequate resources had been deployed at the incident. No criminal or misconduct offences by the officer were identified. No complaint was lodged from any member of the public relating to these discharges. Fourteen officers received injuries during disturbances.

4.5

Report 5: North Belfast, 10 January 2002

Details of Incident

The sectarian violence in North Belfast that had been so frequent during the latter part of 2001 seemed to decrease after a series of meetings between the communities in November 2001. However, serious public disorder arose following an altercation between two people on 9 January 2002, resulting in the discharge of a number of baton rounds (these events surrounding these discharges were described in the first paper in this series, published in 2002). The situation remained tense the next day, with crowds gathering around the Holy Cross Primary School and at the junction of Twaddell Avenue and Brompton Park. By 15:15 this had developed into a confrontation between rival groups equipped with sticks, concrete blocks and other missiles. Reports came in about roads being blocked and vehicles being hijacked in the area, and the situation deteriorated. At 19:50 an Assistant Chief Constable authorised the deployment of baton guns. The crowds did not disperse after an intervention by a local Councillor, and at 20:06 Police Officers made a number of arrests for riotous behaviour in Twaddell Avenue. Vehicles were being set alight and pushed into Police Officer lines, and a crowd of about 250 was being organised in Brompton Park. At 20:37 about 20 petrol bombs were thrown at Police Officers from Brompton Park, followed by acid bombs.

Police Officers were by this time coming under sustained attack, and issued a number of public warnings via a loudhailer. The first of the 29 baton rounds to be discharged that evening by 9 officers was fired at 20:46. Table A5 in Appendix 1 shows that nearly half of the baton rounds discharged (14 out of the 29) were aimed at persons either carrying or throwing petrol bombs. The Table also shows that 16 out of the 29 baton rounds struck people, 8 on the legs and 7 on the waist or groin. Due to the ferocity and intensity of the riots Officer C was unable to make a written record of all the discharges he had made, and could not say whether or not they had hit people.

The last baton rounds were discharged at about 00:35. As the situation calmed the authority to deploy and use baton guns was withdrawn at 01:55.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds, receiving full and prompt cooperation from PSNI. However, their investigations would have been facilitated if there had been more PSNI video footage of the evening's events available for evidential purposes. It would have been of particular assistance to the investigators if footage showing the actual discharges of the baton rounds had been available; however, it seems that these are seldom captured on PSNI evidential video recordings. This resulted in the PSNI experimenting with various methods of gathering such evidence. Police Ombudsman staff were invited to view PSNI experiments with cameras and it was agreed that the use of evidence gatherers was the best way forward. The investigators found that the officers who had discharged baton rounds were fully trained and qualified in the use of baton guns and the new L21A1 baton rounds at the time. The authorisation to deploy baton guns and their subsequent use were in accordance with Force Orders and ACPO Guidelines. PSNI gave public warnings before the use of the baton guns. There was no evidence to indicate that rounds were discharged at less than the 20-metre range recommended in the ACPO Guidelines that were current at the time of the incident, and their discharge was justified and proportionate in the circumstances. There was no evidence of criminal or misconduct offences being committed by officers.

There was one complaint made to the Police Ombudsman's office. The allegation of oppressive behaviour from being hit by a plastic baton round was closed due to failure of the complainant co-operating with the investigation.

4. Report Summaries

4.6

Report 6: North Belfast, 30 March 2002

Details of Incident

This particular incident developed on the afternoon of Saturday 30 March 2002, when crowds of Nationalists and Loyalists comprising 60 to 80 people confronted each other in North Queen Street. PSNI were called to the area by security staff at the York Gate Centre at 14:18. By 14:32 more officers had arrived, and the loyalist crowd dispersed. However, the Nationalist crowd remained at the scene: it seemed that whistles were being used to summon more people to the location. Police Officers then formed a cordon across North Queen Street in order to prevent the crowd entering the Loyalist area around Spamount Street, but this line was soon attacked by Nationalist youths throwing bottles, bricks and other missiles. The rioters were also hijacking vehicles and attempting to disable police vehicles by using planks studded with nails to puncture tyres. By 15:00 the crowd had grown to some 150 people and the situation was deteriorating rapidly. Police Officers attempted to disperse the crowd by manoeuvring Land Rovers towards it, but this was not successful. A subsequent baton charge also failed to bring about a cessation of the rioting. At 15:13 two masked men drove a burning Transit van at Police Officers' lines. At 15:27 the Police Inspector on the scene gave a public warning via a Land Rover PA system that baton rounds would be used; the crowd paid no attention to this, and shortly afterwards a bucket of petrol was thrown over a police Land Rover followed by a petrol bomb; this struck the vehicle and set it alight. All other means of dispersing the crowd having failed, the Inspector authorised the use of baton guns at 15:33. During the next six minutes two officers discharged a total of four baton rounds, all at men throwing petrol bombs. Two rounds hit people on the leg or foot, while two rounds missed (see Table A6 in Appendix 1).

The disturbances continued with over 40 petrol bombs being thrown, until at about 16:00 when some local community leaders (including an MLA) arrived. They requested Police Officers to withdraw to the area of North Queen Street and Duncairn Gardens while they attempted to calm the rioters. The Police Inspector agreed to this, whereupon a dialogue between the community leaders resulted in the crowd dispersing without further trouble. Nine officers were injured during the disturbances.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds, receiving full and prompt co-operation from Police Officers. It was found that both officers who had discharged baton rounds were trained and qualified in the use of baton guns and L21A1 baton rounds. All Force Orders and ACPO Guidelines were adhered to: full records were kept of the authorisations to deploy and to use baton guns, and a public warning was given via a PA system before their use. There was no evidence to indicate that baton rounds were discharged at less than the 20-metre range recommended in the ACPO Guidelines that were current at the time. The record of baton rounds issued to the officers confirmed the use of just four rounds. There was no evidence of criminal or misconduct offences being committed by officers. Other options for quietening the situation had been tried without success, and the use of baton rounds was justified and proportionate because of realistic fears for officers' safety: the crowd was extremely violent and seemed determined to inflict as much injury as possible. There was no evidence to indicate misconduct by either of the officers who had discharged baton guns.

Enquires made by Police Ombudsman's investigators at local hospitals revealed that a 15 year old female had attended an A&E Department with a leg injury. Subsequently this person made a complaint to the Police Ombudsman, stating that she was not taking part in the rioting when she was struck by a baton round. Medical evidence indicated that she had indeed been struck by a baton round, but there were no witnesses to the event and no video evidence (in fact the video tapes available did not cover the discharge of any of the baton rounds). There are no other lines of inquiry to pursue and this case was closed under the classification of 'Incapable of further investigation'. A review of the evidence relating to this investigation revealed that four baton rounds were discharged at legitimate targets all of which were male. The Police Ombudsman's investigators concluded that the complainant's injury was probably due to a ricochet from one of the two baton rounds that were deemed "misses".

4.7

Report 7: North Belfast, 2 April 2002

Details of Incident

On 2 April 2002 a tense situation existed on Limestone Road in North Belfast following recent serious public disorder. By 18:30 this had developed into confrontations between rival factions. Police Officers entered Lawther Court with the intention of dispersing the rioters, but came under attack from a crowd of about 50 to 60 people. An officer was knocked unconscious and another officer went to his aid; the rioters attempted unsuccessfully to take this officer's sub-machine gun but succeeded in removing two rounds of ammunition from its magazine. Petrol and blast bombs as well as other missiles were thrown at Police Officers. A Superintendent authorised the deployment and use of baton guns at 18:58, and a verbal public warning was delivered via a Police Land Rover PA system at 19:02. An Inspector attempted on three occasions to speak to a local community representative, but each time the latter stated that he was not prepared to speak to Police Officers. At 19:07 an officer discharged a single baton round at a range of 20 metres at a man who was throwing a brick at Police Officers; the round missed (see Table A7 in the Appendix 1). No further rounds were discharged. Another community representative stated that he would attempt to disperse the crowd. This proved successful and the situation quietened quickly.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton round. It was noted that although PSNI evidential video recorders were deployed at the scene of the incident, there was no video evidence available showing the discharge of the baton round. The investigators concluded that, as the disorder was serious and there was a potential for the loss of life on both sides, the discharge of the baton round was justified and proportionate in the circumstances. It was found that the officer who had discharged the round was trained and qualified in the use of baton guns and L21A1 baton rounds at the time, and had also been briefed in the ACPO Guidelines for the use and the Human Rights implications immediately beforehand. Force Orders and ACPO Guidelines were adhered to: full records were kept of the authorisations to deploy and to use baton guns, and a public warning was given via a PA system before its use. There was no evidence of criminal or misconduct offences being committed by officers.

There was one complaint arising from this incident. The complaint was fully investigated and closed due to insufficient evidence to substantiate the allegation of oppressive behaviour by the police.

Some matters of concern were noted. Firstly, despite the existence of a long-established protocol, the senior officer at the scene did not immediately report the discharge of the baton round to the Police Ombudsman's on-call SIO. This was due to an oversight by the officer, who was new to the job; it did not adversely affect the investigation. While there was general agreement that a public warning was given, it was not possible to identify who gave the warning and there was no documentary evidence of its having been given. This was probably due to the ferocity of the incident. The most serious issue, however, was that of the deployment of officers armed with semi-automatic firearms in public order situations. Clearly – as evidenced by this incident - there is a danger of an officer losing their weapon. The Police Ombudsman is not convinced of the strategic and operational need, without appropriate risk assessment, for officers to carry such weapons in this type of circumstance, and consequently has recommended that PSNI review its policy for their deployment in similar incidents.

Recommendation 5

PSNI officers in supervisory roles be reminded of their responsibilities to contact the on-call SIO immediately there is a discharge of baton rounds. This would enable the investigation to begin at the earliest opportunity.

Recommendation 6

Officers be reminded of their responsibilities in relation to making a written record of the fact that not only was a warning given to the public that baton rounds will be fired but the actual words used in the warning.

Recommendation 7

The making of statements should be completed as soon as practicable unless the officer complains of injury or illness. In these circumstances a Force Medical Officer should be asked to confirm whether or not the officer concerned is fit to make a statement.

Recommendation 8

PSNI review their policy for the deployment of semi-automatic weapons at public order incidents and put in place appropriate strategic and operational tactics for their use.

Outcome

At the time of writing a formal response from PSNI was awaited.

4. Report Summaries

4.8

Report 8: North Belfast, 3 April 2002

Details of Incident

The situation in the area of Limestone Road on 2 April 2002 has been described in the previous summary. The instability continued the next day, with Loyalist community leaders accusing officers of adopting heavy-handed tactics and consequently refusing to become involved in dialogue with Police commanders. PSNI intelligence briefings indicated that Loyalists in the area were incensed about the events of the previous day and had acquired a number of blast bombs. Their intention was to lure Police Officers into an ambush and to cause major disorder. An Assistant Chief Constable authorised the deployment of baton guns at 16:30, and set up a command team to oversee the predicted incident. Crowds started gathering in the area from 18:00 onwards, at first relatively peacefully. However some loud explosions were heard at 19:30 in Lawther Street, and people started throwing blast bombs and fireworks at Police Officers from about 19:50 onwards. An Assistant Chief Constable authorised the deployment of baton guns at 19:54, as a Loyalist crowd started to attack Nationalists on Limestone Road. Individuals in a crowd of over 100 people started to throw pipe bombs at Police Officers, and a Superintendent granted permission to discharge baton round at 19:59. No public warning was given owing to the imminent danger to Police Officers. During the next hour 4 officers discharged 18 baton rounds. During this period, Police Officers came under sustained attack by crowds throwing pipe bombs, petrol bombs and missiles. In addition, at least 20 low velocity shots were fired at Police Officers on 5 occasions. The 4 officers discharged baton rounds at rioters throwing pipe or petrol bombs (9 out of 18, see Table A8 in Appendix 1) and blast or pipe bombs (7 out of 18). Eleven baton rounds struck people with seven hitting their legs.

The disorder started to diminish after 21:00, and the authorisation to use baton guns was withdrawn at 21:37. Community leaders became involved in talks with young people in the Tiger's Bay area and with senior officers. By just after midnight the situation had calmed considerably; Loyalist representatives and community leaders assured Police Officers that there would be no further incidents that night, saying the disturbances that evening were the result of Police Officers activity in the area. A number of unexploded pipe bombs and several live rounds of ammunition were found in follow-up searches of the area.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds, although once again no video evidence was available. It was found that the officers who had discharged the rounds were trained and qualified in the use of baton guns and L21A1 baton rounds at the time. Force Orders and ACPO Guidelines were adhered to and full records were kept of the authorisations to deploy and to use baton guns. No public warning was given before their use due to the imminent and serious threat to officers - this circumstance is catered and allowed for in the ACPO Guidance. There was no evidence of criminal or misconduct offences being committed by officers.

No complaints were made to the Police Ombudsman's office regarding this incident.

The only matter of concern was that once again there was a delay in officers contacting the Police Ombudsman's on-call Senior Investigation Officer (SIO). The long-standing and widely promulgated protocol for this is for Police Officers to call the SIO's mobile telephone, the number of which has been widely circulated. However, control room staff at the Police Station in question tried to contact the SIO by calling the Police Ombudsman's Office number, which – it being outside office hours – remained unanswered. This is despite staff at that station having previously used the correct mobile telephone number on a number of occasions. It was 50 minutes after the Police Officer's first attempt to telephone the SIO that they finally telephoned the SIO on the correct number. Although this delay did not impede the subsequent Police Ombudsman's investigation, nevertheless it was felt appropriate to remind officers and staff of the correct procedures.

Recommendation 9

It is considered appropriate to remind all PSNI staff of the procedure in relation to contacting the Police Ombudsman's on-call SIO via the on-call mobile phone.

Outcome

The Police Ombudsman was already aware, due to other cases, that ACCs Urban, North and South issued reminders on Police Ombudsman call-out.

4.9

Report 9: North Belfast, 21 April 2002

Details of Incident

On the afternoon of 21 April 2002, disorder between Nationalist and Loyalist youths broke out in the Ardoyne Road/Alliance Avenue area of North Belfast. Local Police Officers initially attended the scene, which escalated quickly thus necessitating deployment of military and TSG Units. As the disorder intensified, there were reports of petrol bombing and blast bomb attacks.

During the course of the disorder, a Police Officer discharged one baton round from the confines of a Land Rover in the vicinity of Brompton Park. The round was directed at a male rioter observed throwing missiles at military lines. The baton round was seen to strike the rioter on the right thigh. The discharge resulted in the riotous crowd retreating for a period before surging forward again attacking military personnel with stones and bottles.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. Taking into account the level and extent of violence directed towards security personnel and the scale of the disorder, the Police Ombudsman concluded that Police Officers displayed considerable restraint in their use of baton rounds. In total, one soldier and four Police Officers were injured during the disorder, including a Policewoman who was injured as rioters attempted to drag her from her vehicle. Several Police vehicles were also damaged. In the circumstances of this incident, no other officer witnessed the discharge of the baton round by the Police Officer. At the time of the incident, there were no written instructions in effect in relation to the role of the baton gun 'spotters' in circumstances where baton rounds are discharged from Police vehicles.

A public warning was given via a PA system. The authorisation to deploy and to use baton guns was given. The Police Ombudsman considered the discharge of a single baton round by a Police officer to have been justified and proportionate. However, enquiries revealed that the officer who discharged the baton round was, at the time of the incident, not classified to carry a baton gun using the L21A1 baton round (introduced June 2001 replacing the 'old' L5A7 baton round). The L5A7 baton round which the officer would have been classified to use was no longer in circulation on 21 April 2002.

Arising from this discovery, the Police Ombudsman recommended that two senior Police Officers receive words of advice in respect of issuing a weapon to an unauthorized officer. The officer concerned was also to receive advice for carrying and using a weapon when not authorized to do so.

In addition to the above, the Police Ombudsman made recommendations to the Chief Constable that all officers classified in the use of baton guns are issued with authorization cards, which must be presented before baton guns and baton rounds are issued; that 'spotters' and evidence gatherers in discharges from Police vehicles are used in all cases; and that drivers of TSG Crews complete 'incident logs' which would be disclosed in accordance with the Criminal Procedures and Investigation Act 1996.

Recommendation 10

An Inspector and a Sergeant receive words of advice for issuing a weapon to an unauthorised officer and a Constable receive words of advice for carrying and using a weapon when not authorised to do so.

Recommendation 11

All officers currently classified in the use of baton guns to be issued with authorisation cards, which must be presented before baton guns and baton rounds are issued.

Recommendation 12

As part of the review of evidence gatherers, in situations where baton rounds are discharged from Land Rovers, spotters/evidence gatherers in discharges from vehicles are used in all cases.

Recommendation 13

The practice of No.2 TSG to be adopted by all TSG crews, that is, the drivers of vehicles complete 'Incident Logs' which serve as the original record from which notes and statements are later recorded by the crew members. The original records be retained as disclosable documents in accordance with the Criminal Procedure and Investigations Act 1996.

4. Report Summaries

4.9 continued

Report 9: North Belfast, 21 April 2002

Outcome

The Inspector and Sergeant received words of advice for issuing a weapon to an unauthorised officer. The Constable received words of advice for carrying and using a weapon when not authorised to do so.

The subject of baton gun authorisation cards was examined. While these have been issued in the past on an ad hoc basis, it was agreed that the HR database is a much more reliable system. The rollout of the new technology within PSNI means that records are now updated by Firearms Trainers in a much more timely fashion.

PSNI Review Panel has referred the aspect of evidence gatherers to the Operational Training Policy Group to take forward and the Panel will seek regular updates from the Policy Group to ensure a system is put in place.

Instructions were issued that a baton gun team should consist of two police officers, with one qualified officer carrying a baton gun and the second officer acting as an assistant to record details of any rounds fired. This is to be the case whether baton guns are being deployed either on foot or from within the safety of vehicles.

Often when the rioting is fiercest, vehicles are in motion, either tactically or for repositioning. Drivers are rarely exposed in the shield line, and their awareness of incidents, warnings and discharges can be scant. However, TSG Commanders have been made aware of this recommendation, and may adopt it as best practice in circumstances where they see fit.

4.10

Report 10: North Belfast, 4 May 2002

Details of Incident

On Saturday 4 May 2002, the Scottish Cup Final was held between Celtic and Rangers. After the match rival factions came together at various interface areas of North Belfast and serious civil disorder occurred. The initial disturbances occurred at Ardoyne roundabout, located at the junction of the Crumlin Road and Woodvale Road. The disorder soon enveloped a wide area including Alliance Avenue and Glenbryn interface, Twaddell Avenue and Brompton Park. Within a short period of time rival factions were fighting and Police Officers were overwhelmed, with officers involved in hand-to-hand fighting and in real danger of serious harm. As the situation deteriorated permission was given for Police Officers to deploy baton guns. At this time Police vehicles were being sprayed with petrol and a sustained attack on Police Officers was being mounted. Between 17.25 and 19.32 a total of 33 baton rounds were discharged by 5 Police officers. During this period gunmen were seen in the area and Police Officers came under gunfire. At 20.02, authorisation to deploy baton guns was rescinded on the basis that by then Police Officers were in a position to contain rioters.

Police Ombudsman's conclusions

Police Ombudsman investigators carried out a thorough investigation into the discharge of the baton rounds. From viewing available CCTV footage and listening to related radio transmission it became apparent that Police Officers were subjected to a sustained and vicious attack for a number of hours. There were numerous occasions where petrol bombs and other missiles were thrown at Police Officers following authorisation to use baton rounds, yet Police Officers did not respond with baton rounds, even though the circumstances encountered were such that their use would have been justified. The Police Ombudsman considered the discharge of baton rounds to have been justified, proportionate and compliant with related legislation and guidelines.

The Police Ombudsman took the view that there was no evidence to suggest any Police Officers misconduct surrounding the discharge of any of the baton rounds. All police officers were fully trained in the use of baton guns and the L21A1 baton round.

No complaints were made to the Police Ombudsman's office regarding this incident.

A recommendation was made to the Chief Constable that the necessity of giving warnings at the scene of disorder should be brought to the attention of relevant personnel involved. Despite the very serious nature of the disorder, it was felt by the Police Ombudsman that a number of warnings could, and indeed should, have been given in relation to some of the round discharges.

Recommendation 14

The necessity of giving public order warnings at the scene of disorder should be brought to the attention of relevant personnel in order that lessons can be learnt.

Outcome

General Order 46/2000 - Service Policy in relation to the issue, deployment and use of baton rounds in situations of serious public disorder was amended by Weekly Order 22/04. This amendment deals with the need to give a warning before force is used, and the importance of making a record of warnings given.

4. Report Summaries

4.11

Report 11: East Belfast, 12 May 2002

Details of Incident

During the weekend of 11-12 May 2002, tensions in the area of the Short Strand erupted into street violence and large-scale public disorder when rival youths clashed in the Madrid Street/Thistle Court/Bryson Street areas. The reason for the disorder is unclear, with one side blaming the other for starting the trouble. The violence manifested itself into hand-to-hand fighting between the two sides with missiles, including bricks, bottles, acid and blast bomb, being thrown.

The disorder began at approximately 23.45 on 11 May 2002 and soon began to escalate as numbers increased. At 00.50 hours Police Officer patrols took up positions at the junction of Bryson Street and Madrid Street in an attempt to separate a riotous crowd of opposing factions. Both sides were forced apart by Police Officers using a combination of vehicles and rapid foot advances into the crowds. At this point Police Officers were subject to a heavy and sustained attack with one officer being rendered unconscious after being struck by a missile. Fearing Police Officers lines were about to be overpowered the deployment of baton guns was authorised. At 01.02 a male was observed advancing towards Police Officer lines and throwing bricks. A baton round fired at this individual struck him in the area of the groin and he was seen to turn and run off into the crowd. This discharge appeared to have an immediate effect on the crowd which backed away from Police Officer lines and the barrage of missiles for a time began to diminish. Further Police Officer reinforcements succeeded in pushing the crowd further back. As the crowd began to move forward again towards Police Officer lines, shields were used by Police Officers to force it back. It was around this time that a second baton round was discharged at a youth observed throwing missiles towards Police Officers. The round was seen to strike this male on the lower leg.

During this operation heavy petrol bomb attacks occurred resulting in one Land Rover being destroyed by fire. Live rounds were also fired at Police Officers and two improvised suspect devices were located, one amongst Police Officer lines at Madrid Street. A Police Officer cordon was maintained at the junction of Madrid Street and Bryson Street until the suspect devices had been dealt with and the crowds had dispersed.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. From viewing the available documentation, video footage and listening to radio transmissions it became clear that Police Officers were subject to a sustained and vicious attack for a number of hours. The two police officers who discharged baton rounds were fully trained in the use of baton guns and the L21A1 baton round. Having considered all the relevant material, the Police Ombudsman concluded that the authorisation, deployment and use of baton rounds during the incident was lawful, justified and proportionate complying with relevant legislation, Guidelines and Human Rights Legislation. There is no evidence to suggest Police Officers misconduct surrounding the discharge of either baton round. A public warning was given via a Land Rover PA system.

No complaints were made to the Police Ombudsman's office regarding this incident.

Recommendation 15

The accurate recording of baton rounds issued and returned should be addressed and it should be emphasised that failings regarding such records seriously undermine the integrity of PSNI records leaving the service open to criticism.

Recommendation 16

Silver Command Officers be reminded of their responsibilities to instigate the formal on-call procedure when baton rounds have been discharged.

Recommendation 17

Clear instructions to be issued to the effect that baton gunners should be removed from such duties if they are rendered unconscious, suffer a head injury or other injury that is more than trivial, unless wholly exceptional situations prevail (and retention on duty can be justified). This issue should also be addressed in training.

Outcome

Weekly Order 27/03 issued on 23 July 2003 dealt with the importance of accurately recording baton rounds issued and returned to the armoury.

Weekly Order 29/03 issued on 6 August 2003 reminded officers of the circumstances when the Police Ombudsman's SIO must be contacted immediately.

Weekly Order 13/04 issued on 31 March 2004 dealt with the removal of injured baton gunners from duty.

4. Report Summaries

4.12

Report 12: East Belfast, 14 May 2002

Details of Incident

On the afternoon of 14 May 2002, Police Officers embarked on a series of house searches in the Short Strand area of Belfast. Due to the presence of increasing crowds at the scene, military resources were deployed to assist Police Officers. During the course of the afternoon/early evening, the security forces came under sustained missile attack at various locations within the immediate vicinity resulting in the discharge of baton rounds by both PSNI and military personnel. Three baton rounds were discharged by one Police officer from within the confines of a stationary Land Rover.

The opening round was discharged at a masked male believed to be carrying an acid bomb. The round missed its target and is believed to have come to rest in a nearby garden. The second baton round was discharged at a masked male seen to be carrying a lit petrol bomb. This struck this individual on the right inner thigh causing him to fall and drop the petrol bomb he was carrying. A third male, a few minutes later, was observed carrying a lit petrol bomb and moving towards Police Officers' lines. A baton round was discharged and struck the petrol bomber on the left knee and he was seen to retreat back into the crowd.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. Having reviewed available documentation, related video footage from a number of sources, and having listened to PSNI radio transmissions, it was evident that Police Officers encountered serious public disorder whilst conducting the house searches within the area of Short Strand. The Police Officer who discharged the three baton rounds was interviewed by Police Ombudsman Investigators and gave a detailed account of the

circumstances in which each round was discharged and full descriptions of his intended targets. The police officer was fully trained in the use of baton guns and the L21A1 baton round. It is interesting that the third baton round fired by the officer was captured on unused news footage viewed by Investigators and that the officer's description of the petrol bomber he engaged was remarkably accurate.

No public warning was given before their use due to the imminent and serious threat to officers - this circumstance is catered and allowed for in the ACPO Guidance. Having completed all relevant enquiries and examined related material, the Police Ombudsman concluded that, on the basis of the evidence available, the deployment and use of baton rounds by Police Officers on the three occasions was lawful, justified and proportionate, complying with relevant legislation. There was no evidence to suggest any Police Officers' misconduct surrounding the discharge of any of the three rounds.

Three complaints were made to the Police Ombudsman's Office regarding this incident. All three were allegations of oppressive behaviour from being struck by a plastic baton round. One was closed ill-founded as it became clear during preliminary enquiries that the complaint was without foundation. The complaint was made by the legal representative and when the alleged injured were contacted they confirmed that they did not wish to complain against the police. The second was fully investigated and closed due to insufficient evidence to substantiate the allegation of oppressive behaviour by the police. The third was closed due to the failure of the complainant to respond to preliminary enquiries and attend scheduled interviews arranged through his legal representative.

Recommendation 18

Consideration be given for all police vehicles used for general patrol and public order situations to have markings on their roof making them identifiable from the air.

Recommendation 19

The CCTV footage taken from a military helicopter of a police Land Rover mounting a footpath and accelerating towards a number of individuals is to be made available to the PSNI training branch for their consideration.

Recommendation 20

That the number of baton rounds being issued to officers should be accurately recorded (in this instance the officer was recorded as having been issued with “one box” of rounds, rather than the more precise 16 rounds). This problem had been commented upon in previous reports and the Police Ombudsman was told that it had been addressed. “It should again be emphasised that failings regarding such records seriously undermine the integrity of PSNI records, and leave the service open to criticism”, said Mrs O’Loan.

Recommendation 21

The Police Ombudsman reiterated a previous recommendation that police should take evidential video footage of baton round discharges. She noted from the roster for 14th May 2002 that a number of officers had been tasked as video operators, presumably for the role of evidence gathering. However, investigators established that no footage had been taken.

Outcome

At the time of writing a formal response from PSNI was awaited.

4. Report Summaries

4.13

Report 13: Portadown, 25 May 2002

Details of Incident

This incident occurred on the last Saturday in May, which is traditionally the day of the Junior Orange Parade. In 2002 this event was held in Bangor, County Down, but feeder parades took place in Portadown both before and after the main event. Four Junior Orange Lodges had given notice of their intention to parade in Portadown, going past an area at the junction of Garvaghy Road and Park Road that had been the scene of major disturbances the previous year.

The morning parade at 09:00 passed off without incident, but during the return trip at 16:30 individuals in a crowd of about one hundred nationalist protestors threw bottles at the Police Officers' line near People's Park on Garvaghy Road. At 16:54 a Chief Superintendent granted authority for the deployment of baton guns, and some 20 minutes later granted authority for their use as people in the crowd (which was otherwise generally well-behaved) were now throwing petrol bombs and what were thought to be acid bombs. At 17:16 a public warning was issued. Despite a local MLA stating that the petrol bombs had been removed from the crowd, at 17:21 a man was seen throwing a lit petrol bomb at the Police Officers. An officer discharged two baton rounds at the man, the first hitting him on the leg, the second missing him (see Table A13 in Appendix 1).

The crowd started to disperse immediately afterwards, and a petrol bomber was arrested. Permission to use baton rounds was rescinded at 17:49, and despite a few minor disturbances there were no further incidents. Police Officers found 30 unused petrol bombs and 6 unused paint bombs during a follow-up search.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds, receiving full and prompt cooperation from the Police Officers. The investigation was facilitated by PSNI evidential video footage of the incident, which clearly showed the discharges of both baton rounds and thus provided conclusive evidence in support of their use. The video clearly showed that the baton rounds were targeted at one particular man who was throwing petrol bombs and trying to incite the crowd. Attempts by the crowd to remove him were also clear, and this man was later arrested. These events were in marked contrast to those of previous years, demonstrating the benefits of community consultation and careful planning and an appropriate response by PSNI.

No complaints were made to the Police Ombudsman's office regarding this incident.

The Police Ombudsman's investigators were provided with a great deal of assistance by the Police Officers. They found that the officer who had discharged the baton rounds was fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time. The authorisations to deploy baton guns and their subsequent use were correctly issued and repeatedly reviewed, and Force Orders and ACPO Guidelines were adhered to. PSNI gave public warnings before the use of the baton guns. There was no evidence to indicate that rounds were discharged at less than the 20-metre range recommended in the ACPO Guidelines. Baton round discharge was justified and proportionate in the circumstances. There was no evidence of criminal or misconduct offences being committed by officers.

4.14

Report 14: East Belfast, 2 June 2002

Details of Incident

At around 16.26 hours, following a band parade, disorder erupted in the vicinity of the junction of the Mountpottinger Road/ Albertbridge Road. By 18.50 the disturbances had intensified resulting in permission being granted for Police Officers to deploy baton guns. At 19.40 Police Officers and Army were deployed at the junction of Mountpottinger Road and Albertbridge Road following reports of large crowds engaged in hand-to-hand fighting. Upon arrival there was a heavy bombardment of missiles, stones and boulders coming from the Loyalist side, directed at Army personnel, Nationalists and Police Officers. Police Officers began to create a defensive sterile zone and directed units to engage with rioters in the vicinity for this purpose. It was at this time that a Police Officer within a stationary Land Rover, discharged one baton round at a male youth observed throwing large pieces of masonry in the direction of the Nationalist crowd. The round was observed striking the rioter on the upper right thigh.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. The investigation concluded that there was little doubt that PSNI and military personnel were faced with serious disorder from Loyalist and Nationalist groups, who seemed intent on perpetrating extreme violence on each other and towards the security forces. Public disorder in the area continued until 02.15 on 3 June 2002 and during the course of the rioting, property was set on fire and shots discharged.

No public warning was given. However, Weekly Order 22/04 emphasised the importance of giving a warning.

The Constable involved was trained in the use and deployment of baton guns and his use of a L21A1 baton round on this occasion had the desired effect in that the rioter was observed leaving the scene.

Taking account of all the circumstances and evidence gathered the Police Ombudsman took the view that the authorisation, deployment and use of baton rounds during the incident was proportionate and justified, in accordance with legislation, Guidelines and Force Instructions.

No complaints were made to the Police Ombudsman's office regarding this incident.

4. Report Summaries

4.15

Report 15: East Belfast, 3 June 2002

Details of Incident

On the afternoon of 3 June 2002, following three nights of serious public disorder, sectarian violence escalated in the Short Strand/Cluan Place area of East Belfast. This was serious disorder with several separate shooting incidents resulting in civilian casualties. Significant PSNI and Army resources were tasked to control disturbances between rival factions. As the evening progressed, violent disorder spread to the Loyalist Lower Newtownards Road area. Approximately 100 Police Officers and 300 soldiers were involved in trying to quell the rioting crowds, believed to have reached 1,000 in number at its height.

Throughout the evening of 3rd June 2002 and early hours of 4th June 2002, Police Officers reported five shooting incidents directed at their lines together with numerous blast bomb, firework, missile and petrol bomb attacks. Sixty baton rounds and ten 'live' rounds were discharged by Police Officers during the disorder. The baton rounds were discharged by Police Officers between 22.59 on 3 June 2002 and 02.31 on 4 June 2002. Six Police Officers discharged 60 baton rounds, 45 were reported to have struck their intended target. (See Table A15, Appendix 1)

During the investigation of the incidents, Police Ombudsman Investigators interviewed police commanders, senior officers at the scene and officers directly involved in the disturbances. Police radio transmissions were seized and both Army and police video footage of the disturbances secured.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. The Police Ombudsman expressed the view that the use of baton rounds was justified and proportionate given the intensity of the unrest, which had posed a "serious and immediate" risk to life. Authorisation for the deployment and use of baton guns was given appropriately.

Arising from the investigation, the Police Ombudsman re-enforced a previous recommendation that the PSNI carry out research into the feasibility of video recording baton round discharges. The Police Ombudsman also recommended that formal instructions be issued in relation to the role of baton gun assistants in situations where baton rounds are discharged from Land Rovers. As regards the issue by Police Officers of warnings prior to the discharge of baton rounds, the Police Ombudsman recommended that PSNI reiterate the terms of the relevant Force Order, that officers should document any reasons for not giving warnings, and fully record the terms and circumstances of any warning given.

All Police Officers who had discharged baton rounds were fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time.

There were three complaints made to the Police Ombudsman's office. All were allegations of oppressive behaviour from being hit by a plastic baton round and all were closed due to the failure of the complainants co-operating with the investigation.

A recommendation was made that three officers receive words of advice for failure to accurately account for baton rounds discharged/returned.

Recommendation 22

PSNI carries out research into the feasibility of video recording baton round discharges.

Recommendation 23

Formal instructions to be issued regarding the issue of baton gun assistants in situations where baton rounds are discharged from Land Rovers.

Recommendation 24

The use of baton gun assistants/evidence gatherers in vehicles is considered.

Recommendation 25

PSNI reiterates the terms of the Force Order, that officers should document any reasons for not giving public order warnings, and fully record the terms and circumstances of any warnings given.

Recommendation 26

An Inspector and a Sergeant receive words of advice for the failure to accurately account for the baton rounds discharged by a Constable and their failure to ensure that baton rounds returned were counted.

Recommendation 27

A Sergeant receives words of advice for the failure to record the issue and return of a Constable's baton gun and baton rounds.

Recommendation 28

The responsibilities required for the role of baton gun commanders be reiterated to TSG Sergeants and baton gun commander courses given to these officers as a matter of urgency.

Recommendation 29

The practice of No.2 TSG to be adopted by all TSG crews, that is, the drivers of vehicles complete 'Incident Logs' which serve as the original record from which notes and statements are later recorded by the crew members. The original records be retained as disclosure documents in accordance with the Criminal Procedure and Investigations Act 1996.

Outcome

Weekly Order 20/04 issued on 19 May 2004 emphasised the need to detail a properly trained baton gun assistant when baton guns are being deployed, either on foot or from a vehicle. In this instance non-trained officers were detailed as no trained officers were available, and this was seen as the best option.

Weekly Order 22/04 issued on 2 June 2004 emphasised the importance of giving a warning before any application of force, unless impracticable in the circumstances, and the need for record-keeping in relation to decision on warnings.

Training for TSG Sergeants as baton gun commanders is available and ongoing. Baton gun commander training is also incorporated into the Public Order Command Course and the Public Order Supervisor's Course. The issue of drivers' logs has been addressed in a previous Regulation 20 Report, and has been recommended to TSG Commanders as best practice.

A revised version of General Order 46/00 has been issued to take account of ACPO Guidelines on the use of baton rounds. A 'Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy' has been published electronically to the Service and distributed to DCU commanders.

4. Report Summaries

4.16

Report 16: South Belfast, 9 June 2002

Details of Incident

At just after 02:00 on 9 June 2002 officers found two men who had been seriously assaulted at the junction of Donegall Pass and Ormeau Road; both required hospitalisation. Men in Loyalist band uniforms were seen running away from the scene of the incident into Donegall Pass. As ambulance crew attended to the victims, Police Officers came under attack by a Loyalist crowd throwing bricks and bottles from the vicinity of Donegall Pass and Walnut Street. Police Officers moved into this area to contain the crowd and to prevent it clashing with a Nationalist crowd that was gathering on Ormeau Road. A standoff ensued. The Loyalist crowd was mostly gathered outside the Ivy Bar in Donegall Pass, and at 02:37 Police Officers moved into this crowd to arrest two men who were fighting. Following this intervention the situation deteriorated; petrol bombs and other missiles were thrown at the Police Officers as well as two shots fired. At 04:50 an Assistant Chief Constable authorised the deployment of baton guns, but the disorder subsided. Police Officers found several crates of unused petrol bombs during a follow-up search.

However, PSNI received intelligence that Loyalist paramilitaries were planning further disturbances for that evening, and were specifically planning to move firearms into the area to attack officers. Because of this threat an Assistant Chief Constable authorised the deployment of baton guns at 21:14. Ten minutes later the first of a number of vehicles was set alight on Donegall Pass; masked men armed with cudgels and axes were seen outside the Ivy Bar, and people began throwing petrol bombs at the Police Officers. At 21:58 a Superintendent authorised the use of baton guns. At 22:10 a crowd of about 30 masked men carrying axes and firing ball bearings from catapults attacked the Police Officers, and at 22:23 a man fired a shot at Police Officers before retreating out of sight. A few seconds later he re-emerged from hiding and fired four more shots. An officer discharged a baton round at the man at a range of about 40 metres, but missed him (see Table A16 in Appendix 1). The violence continued unabated: a crowd of about 50 people armed with axes and cudgels surrounded Police Officers, and masked youths threw petrol bombs and other missiles at Police Officers from the grounds of the Elim Pentecostal Church. At 23:09 the same officer discharged a baton round at a man lighting a petrol bomb about 20 metres away; the round hit the man on the thigh. In continuing violence a petrol bomb was thrown through the porthole of a police Land Rover, resulting in an officer receiving severe burns to his face and hands.

Following this incident discussions were held with local community representatives, who assured the Police Officers that order would be restored. As the disorder calmed, a Superintendent rescinded authorisation to use baton rounds at 00:22; Police Officers withdrew from the area shortly afterwards and the area remained calm for the rest of the night.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a full and thorough investigation into the discharge of the baton rounds, receiving full and timely co-operation from Police Officers. It was noted that Police Officers were subjected to a sustained and vicious attack, and that the clear intention of the rioters was to seriously injure or kill officers. PSNI video footage of the incident did not show the actual discharges of the baton rounds, but they could be heard and their effects on the crowd were clear. After appeals for witnesses were made an independent witness indicated to the Police Ombudsman through a community representative that he would be willing to make a statement. However, this person has not subsequently made himself available for interview.

The Police Ombudsman's investigators found that the officer who had discharged the baton rounds was fully trained and qualified in the use of baton guns and baton rounds at the time (although the records of his training had not been kept up-to-date by PSNI), and had received the appropriate Human Rights training. While Force Orders and ACPO Guidelines were in the main adhered to, there was no public warning given before the discharge of the first baton round. As this was fired at a man armed with a gun firing shots at Police Officers then clearly the issue of a warning was impractical. However, there was an opportunity for Police Officers to give a public warning before the discharge of the second baton round that was not taken. The urgency of the need to discharge the first baton round also led to some confusion in the PSNI command structure about responsibility for authorisation; when a commander on the scene (the "Bronze Commander") asked for authorisation to discharge a baton round there was an 11-second delay in the response from his superior (the "Silver Commander"). The Bronze Commander was thus forced to issue the order himself. The delay in the response of the Silver Commander could lead to confusion, and clearly this officer should always be in a position to give immediate commands to officers on the ground.

The discharge of the baton rounds was justified and proportionate in the circumstances, owing to the threat to the lives of officers. There was no evidence of criminal or misconduct offences being committed by officers.

No complaints have been received from members of the public regarding this incident.

An issue arose regarding a lack of clarity in the recording in the Firearms Register of the number of baton rounds used. It was noted in the Firearms Register that at 17:40 Constable A was issued with an H&K Baton gun and “one box” of ammunition, and that at 01:30 the next morning he returned the gun and “one box (14)” of ammunition. A note was added saying, “Two baton rounds fired Donegall Pass”. Now, Force Order 46/2000 (Appendix ‘A’) clearly states that: “The issue, deployment and use of baton rounds will be subject to authority levels and command control resources of the highest integrity.” And, later, that: “Baton gun commanders will ensure that Firearms Registers are properly completed in respect of baton guns and baton rounds issued after due authority. On return the baton gun commander will ensure that records are perfected accurately and that all baton rounds accounted for as either being discharged or returned to storage.”

Although the removal of “one box” of ammunition implies that the officer had been issued with 16 baton rounds, it could be argued that on this occasion the Force Order had not been totally complied with since the record had not been “perfected accurately”. This represents insufficient detail in the keeping of these records: if 16 baton rounds were issued then this should have been clearly recorded as such in the Firearms Register, rather than just saying “one box”. This would ensure that total clarity and appropriate accountability is in place relating to the issue and return of ammunition. It should be noted that similar problems were identified by Police Ombudsman’s investigators in previous investigations of baton round discharges. It can be seen that if these Force Orders are not complied with completely then the ability of the Police Ombudsman’s investigators to independently audit the number of baton rounds used is limited. This would be of particular importance on those occasions when it was alleged that more baton rounds were fired than were reported being fired. This issue was raised with PSNI in August 2002, and the Police Ombudsman has now been informed that it has been addressed.

The lack of PSNI video evidence of the actual discharge of the baton rounds was noted again, and the Police Ombudsman has also made recommendations to PSNI about the use of evidence gatherers at public order incidents.

Recommendation 30

The necessity of giving a public order warning, even after the initial discharge, should be pointed out to the relevant personnel.

Recommendation 31

The PSNI should conduct a review of its updating of training records of individual officers and address the deficiencies in a system where it has been found that vital training courses have been left off an officer’s record.

Outcome

The issue of firing at a crouching target was examined. During training, baton gunners undergo a number of simulator practices which include targets which are crouching or bending over, and the risks of firing at targets in this position are highlighted. It was noted that in this instance the rioter was struck on the thigh.

A “Manual of Guidance on Keeping the Peace and Public Order Criminal Justice Strategy” has been published electronically to the service. It deals with all issues of evidence gathering in public order situations.

Weekly Order 22/04 issued on 2 June 2004 emphasised the importance of giving a warning before any application of force, unless impracticable in the circumstances.

Progress with the computerisation has meant that baton gun training records are now updated by firearms training administrative staff in a more timely manner.

4. Report Summaries

4.17

Report 17: East Belfast, 13 June 2002

Details of Incident

During the afternoon of 13 June 2002, several Loyalists were engaged in a protest on the Albertbridge Road. During the protest a number of males, some masked, began erecting flags on lampposts on Woodstock Link adjacent to the ongoing protest. This action prompted the protesting crowd to swell in size to several hundred and stones, bottles and fireworks were thrown in the direction of Short Strand. There was an incursion of Loyalist males into the Short Strand area resulting in serious hand-to-hand fighting between Loyalists and Nationalists.

During this confrontation, PSNI and military personnel used their vehicles in an attempt to keep rival factions apart. This proved unsuccessful and the crowds became increasingly out of control, running into PSNI and military lines. In view of developments the deployment of baton guns was authorised. It was during the serious hand-to-hand fighting and rioting that Police Officers observed a military vehicle became surrounded by a large number of rioters. Due to the serious threat posed to military personnel, permission was given to use baton rounds. One baton round was discharged at a male who was observed to be holding a petrol bomb, which he was in the process of attempting to light. The round missed the intended target. A short time later, additional resources arrived and both factions were separated. No arrests were made.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. The Police Ombudsman considered the discharge of a baton round in the circumstances to have been fully justified and proportionate. The authorisation and directions given were appropriate, proportionate and consistent with Human Rights and related legislation. It was clear that once the threat level had reduced the authority for the continued use of baton rounds was rescinded. PSNI gave public warnings before the use of the baton guns. The authorisation to deploy baton guns and the subsequent use of the baton guns were fully in accordance with the relevant Force Orders and ACPO Guidance. No misconduct issues were uncovered during the Police Ombudsman's Investigation of this incident.

The Police Officer who had discharged the baton round was fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time.

There were no complaints arising from this incident.

4.18

Report 18: Portadown, 7 July 2002

Details of Incident

On 2 July 2002 the Parades Commission issued an Order that the parade by Portadown District L.O.L. on 7 July 2002 should be re-routed. To ensure that the parade did not make its way towards Garvaghy Road, security forces deployed a mini Crowd Control Obstacle (CCO) along with a variety of fortifications and screening, which in effect blocked access across the bridge at Drumcree Road. Police Tactical Support Groups and military Public Order companies were positioned behind the obstacle to prevent an incursion onto the bridge should the obstacle be breached. A larger crowd control obstacle was also placed in the rear with the intention that it could be deployed forward if required. At approximately 13.00, the parade moved down Drumcree Hill towards the mini CCO at Drumcree Bridge where a formal protest was to be made by Portadown District L.O.L. regarding the Parades Commission's decision not to permit the parade to progress along Garvaghy Road. A decision had been taken earlier that upon the protestors arriving at the mini CCO, they would be received by a number of Senior Police Officers. As Police Officers moved forward missiles were thrown from the direction of a number of persons gathered in a field situated to the left of Drumcree Bridge. At 13.11 Police Officers passed through the mini CCO gates to receive a letter of protest from Portadown District L.O.L. As Police Officers withdrew behind the cover of the mini CCO sporadic missile throwing occurred, however this quickly intensified with protestors climbing on top of the mini CCO and attacking Police Officers. At 13.41 protestors forced open the mini CCO whereupon baton guns were authorised and deployed. Police Officers then advanced towards the mini CCO and succeeded in driving those who had breached the obstacle back to the other side. Subsequently, attacks by the assembled crowd on the mini CCO and Police Units continued to intensify. Police units advanced through the mini CCO and forced the densely packed crowd back around ten metres. The resulting Police Officers line formed a cordon in front of the mini CCO. Due to ongoing and heavy missile attack, resulting in a number of injuries to Police Officers, baton gunners engaged the crowd. One baton round was discharged at a male about to throw a boulder at Police Officers' lines and it is believed the target was struck on the left elbow. A second baton round is believed to have struck an identified rioter about the legs whilst a third appears to have hit the rioter about the waistline.

Following the disorder at Drumcree Bridge on 7 July 2002, 19 persons were arrested for a variety of public order offences relating to the protest. Thirty-two Police Officers received injuries ranging from broken bones to serious facial injury.

Police Ombudsman's conclusions

Arising from a thorough investigation, the Police Ombudsman recommended that in major event planning an individual responsible for post event documentation collation be designated to service the needs of Police Ombudsman Investigators. The Police Ombudsman also highlighted the value of video evidence gathering at such events and the requirement for baton gunners to be supported by another officer in teams of two in accordance with PSNI Instructions. The authorisations to deploy baton guns and their subsequent use were correctly issued and justified and proportionate, and Force Orders and ACPO Guidelines were adhered to. PSNI gave public warnings before the use of the baton guns.

The two Police Officers who had discharged baton rounds were fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time.

No complaints were made to the Police Ombudsman's office regarding this incident.

Recommendation 32

In major event planning an individual, responsible for post-event documentation collation, should be designated to service the needs of Police Ombudsman Investigation Officers.

Recommendation 33

Maximum effort is made to video contentious events.

Recommendation 34

The instruction for baton gunners to be supported by another officer in teams of two in accordance with PSNI instructions is to be strictly complied with.

4. Report Summaries

4.18_{continued}

Report 18: Portadown, 7 July 2002

Outcome

The Policy Directive on Post Incident Managers (PIM) was approved at the Chief Constable's Forum, and will be issued once a cadre of PIM Managers is trained, hopefully before summer 2005.

The value to your investigation of police video evidence is noted. It is standard procedure to deploy video cameras in a planned event such as this, although it is more problematic if street disorder arises spontaneously.

General Order 46/2000 D (a) Issue Deployment and Use of Baton Rounds in Situations of Serious Disorder states that baton gun teams should consist of two police officers.

Although the order does not make the deployment of an assistant a definitive requirement, all learning events stress that this is best practice. Weekly Order 37/03 states that, where it is not possible to deploy a baton gun team, a note must be made of the reasons.

Use of Baton Rounds in Situations of Serious Disorder states that baton gun teams should consist of two police officers.



4.19

Report 19: West Belfast, 12 July 2002

Details of Incident

A total of 30 baton rounds were discharged between 19.17 hours and 19.45 in the area of Springfield Road, Belfast, during violent disturbances at the Lanark Gate interface following traditional annual Orange marches throughout Belfast.

During the morning of 12 July 2002, two L.O.Ls marched from Whiterock Orange Hall through Workman Avenue Gates and down the Springfield Road. There was heckling from a number of protestors but no trouble flared at this time. Throughout the afternoon sporadic stone throwing incidents were recorded in the vicinity. At 18.17 various police units began to report petrol bombs, stones, fireworks and other missiles being thrown and at 18.18 military units were instructed to move into position. At this time, the number of protestors was over 200. At 18.33 the Workman Avenue Gates were unlocked in preparation for the parade to pass through. Following this it was reported that a roadblock consisting of vehicles had been put across the bottom of Pollard Street by protestors. There was sporadic stone throwing and flag burning and there were reports of paint bombs lined up in readiness at the side of the road. Youths were seen carrying petrol bombs and pulling hoods and scarves over their faces. The protestors at this time exceeded 300 persons.

At 19.13 hours the parade began to pass through the Workman Avenue Gates and Police Officers executed a planned 20-metre advance to push protestors beyond Lanark Way. Following this at 19.16 hours, Police Officers lines came under a sustained barrage of petrol bombs and fireworks and authorisation was given to deploy baton guns.

Protestors moved back some 50 yards and Police Officers, under attack from petrol bombers, began to extract to Lanark Way. At 19:20, the first three baton rounds were fired at three youths. All three struck their legs. Then Police Officers discharged ten more baton rounds. Police Officers and military continued to extract during which time further baton rounds were fired. Serious disorder continued for a further period but by 20.00 hours disturbances had reduced significantly to a point where it was possible for Police Officers to be redeployed to other areas. It was established that 3 Police Officers discharged 30 baton rounds during the disorder, hitting 23 rioters on the leg and 1 in the groin. Twenty officers were injured, one of whom had to be medically retired.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. This was a pre-planned operation by PSNI for an annual event, which, in previous years, had been surrounded in controversy and often resulted in violent disorder. It is evident that a great deal of planning had taken place in order to ensure the safety of marchers, peaceful protestors, members of the public and Army and that all available tactical options had been fully explored with regard to the human rights of participants to march or protestors to protest peacefully.

No public warning was given due to the intensity of the violence.

From viewing CCTV evidence it can be seen that a number of demonstrators had arrived determined to protest in a less than peaceful manner. It was also clear that the ensuing violence was both premeditated and intended and could not be regarded as a spontaneous reaction to any tactics that may have been employed by Police Officers. The three Police Officers who had discharged baton rounds were fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time.

Police Officers reaction was both controlled and proportionate to the level of violence. Based on the evidence available the Police Ombudsman concluded that the authorisation, deployment and use of baton rounds was lawful and justified. The evidence supports the contention that the discharge of baton rounds, in addition to other Police Officers tactics used, contributed to eventual order being restored on the Springfield Road and contribution to the safety of Police officers involved in the operation. All the evidence suggests that the baton gunners acted entirely within the guidelines set out in the ACPO Manual of Guidance, Legislation and Human Rights Legislation.

No complaints were made to the Police Ombudsman's office regarding this incident.

Arising from the investigation, the Police Ombudsman raised with the Chief Constable issues in relation to PSNI warnings prior to baton round discharge, the accurate recording of baton rounds issued/returned, the importance of having trained baton gun assistants as evidence gatherers equipped or assisted by either video or audio equipment.

4. Report Summaries

4.19 continued

Report 19: West Belfast, 12 July 2002

Recommendation 35

The officer accompanying a baton gunner is to be an evidence gatherer, equipped or assisted by either video or audio equipment (this reiterates a previous recommendation).

Recommendation 36

The provision of video and audio equipment should be urgently reviewed, if it has not already been addressed fully, to ensure that the guidelines are fully adhered to and that the credibility and professionalism of the PSNI is not undermined.

Outcome

The issues highlighted in the Report have been previously addressed by the PSNI, and subsequent experience has shown that performance has improved in those areas.

4.20

Report 20: East Belfast, 10 August 2002

Details of Incident

On the morning of 10 August 2002 four feeder parades formed in the area adjacent to Short Strand in East Belfast in order to travel to Londonderry to take part in an Apprentice Boys' parade. These parades passed off without incident. However, by the afternoon youths were throwing stones across the sectarian interface between Cluan Place (Loyalist) and Clandeboye Gardens (Nationalist). By 18:30 this had developed into an exchange of missiles, and officers in Tactical Support Groups were deployed in an attempt to prevent the rioting. A water cannon was placed on standby for possible use. After a bout of stone throwing from Clandeboye Gardens, a community representative tried to calm the situation. However, after a brief lull, by 20:00 the stone throwing had started again. Police Officers attempted to deploy each side of the interface, but some women in Clandeboye Drive prevented them from doing so. Further deployment was delayed while Police Officers held discussions with another community representative who attempted, without success, to persuade the stone throwers to stop. The crowds were growing in size all the time and there was PSNI intelligence of illegally held firearms in the area. Consequently at 20:41 an Assistant Chief Constable authorised the deployment and use of baton guns. About 15 minutes later Police Officers tried to disperse a crowd by means of a charge. As the crowd ran away Police Officers followed, but upon reaching Mountpottinger Road they were ambushed by a group throwing missiles at them. One particular man broke away from the group and physically attacked an officer who was simultaneously hit by a missile. The officer fell to the ground, unconscious, whereupon the crowd – now numbering about 150 – surged forward. Fearing that Police Officers might suffer serious injury, an Inspector ordered the officer with the baton gun to “engage”; he did not issue a warning owing to the immediate danger. The baton gun officer moved forward to protect his fallen colleague, and at 21:04 discharged one baton round at a man about to throw a firework; the round missed (see Table A20 in Appendix 1).

However, after the discharge of the baton round the crowd moved back a substantial distance. About five petrol bombs were thrown from Clandeboye Drive into Cluan Place, and a Police Officers line was established at the front of this street facing a crowd of about 200 people. Although large numbers of people remained on the street the disturbances became sporadic, and authority for the deployment of baton guns was withdrawn at 21:57. By 01:00 the next morning the scene was quiet and the Police Officers presence was reduced.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation of the incident, receiving full cooperation from PSNI. No video evidence was available owing to the rapidity with which the situation had developed. The investigators wrote to the six Members of the Legislative Assembly for the area enquiring whether they had received any information that might have been of assistance or knew of any witnesses; none replied. The Officer who had discharged the baton round was trained and qualified in the use of baton guns and baton rounds at the time. The authorisations to deploy baton guns and their subsequent use were correctly issued, and Force Orders and ACPO Guidelines were adhered to.

Because of the immediate danger of the situation, no public warning was given. The discharge of the baton round was in the circumstances fully justified and proportionate. There was no evidence of criminal or misconduct offences being committed by officers.

No complaints were made to the Police Ombudsman's office regarding this incident.

4. Report Summaries

4.21

Report 21: East Belfast, 15 August 2002

Details of Incident

At around 21.00 on 15 August 2002 reports were received of public disorder within the Short Strand area of East Belfast. The public disorder involved exchanges of missiles between the Clondeboy Estate and Cluan Place. Police Officers made attempts to calm the situation through mediation with local civilian representatives. However, the disorder escalated with at 22.28 approximately six vehicles being driven into the Clondeboy Estate and used to block Clondeboy Drive. Missile throwing continued with military personnel in the area reporting coming under attack from both sides. At 22.41 Police Officers reported being stoned and were forced to pull back to Clondeboy Gardens. At 22.42 authority was given to use baton guns and at 22.48, due to the influx of people into the Clondeboy Estate and on to the Mountpottinger Road and the intensity of the missile attack on PSNI additional resources were requested. The situation continued to deteriorate with rioters using petrol bombs. At 23.10 police units entered Clondeboy Drive, via the archway at Mountpottinger Road. As they did so they came under heavy and sustained missile attack by a crowd reported to be over 200 people. Following this sustained attack on Police Officers between 23.10 and 23.15 five baton rounds were discharged by two Police Officers.

Four batons rounds struck their target, two rounds hit males in the area of the groin and two rounds struck the area of the torso. One baton round missed the targeted rioter. The situation calmed for a period but trouble began to flare again at around 01.00 hours on 16 August 2002 at the Albertbridge Road/Castlereagh Road junction when Police Officers were confronted by a large crowd. Public disorder also erupted again within the Clondeboy Estate area. A crowd of approximately 70 had gathered in Langtree Court and were throwing stones into the Clondeboy Estate as missiles were being thrown from Clondeboy Estate into Cluan Place. At 02.18 hours as Police Officers responded to attacks from Langtree Court into Clondeboy Estates they came under heavy missile, petrol bomb and paint bomb attack. At 02.25 hours a baton round was discharged at a petrol bomber but it missed the intended target.

The public order situation remained volatile in the area for another hour but eventually calmed to minor stone throwing incidents as the number of rioters fell. At 03.40 PSNI public order units began to withdraw from the area.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation of this incident. No video evidence was available owing to the spontaneous nature of the public disorder. Enquiries were made via local Members of the Legislative Assembly and local representatives. Despite these attempts no witnesses were forthcoming and no complaints were made to the Police Ombudsman's Office in relation to police discharge of baton rounds. The investigation has shown that both officers were trained in the use of baton guns and the new L21A1 baton rounds. However, one of the Police Officer's training certificate had lapsed prior to this incident. The Office of the Police Ombudsman has made comment in earlier reports about the failure of baton gunners to reclassify within the necessary twelve months.

The authorisation to deploy baton guns and their subsequent use were correctly issued. The Police Ombudsman considered the discharge of baton rounds to have been justified and proportionate. PSNI gave public warnings before the use of the baton guns. However, the exact nature of the warning is not recorded. The lack of warnings and the inadequate recordings of warnings has been the subject of recommendations in previous reports.

No complaints were made to the Police Ombudsman's office in relation to the discharge of baton rounds on this incident.

Recommendation 37

The problem of the accurate recording of the issue and return of baton rounds has been the subject of comment in earlier reports and it is hoped that this has been addressed by the Police Service of Northern Ireland in 8 (4) Appendix 'A' of General Order No:46/2000 as amended and re-issued on the 15th of April 2005. It is again emphasised that failure to accurately maintain such records seriously undermines the integrity of the PSNI and leaves the service open to criticism.

Recommendation 38

The failure in circumstances of public disorder to record the warnings given to the public prior to the discharge of baton rounds has also been commented upon in earlier reports from the Office of the Police Ombudsman for Northern Ireland. It is further hoped that General Order 46/2000 as amended will improve the response of the PSNI to this issue.

Recommendation 39

Appendix 'E' of the General Order 46/2000 has expanded and clarified the requirement for baton gunners to maintain their classification on the baton gun which they carry in situations of public disorder. It is hoped that this clarification prevents any further instances of Police Officers being issued baton guns when their classification to use the weapon has lapsed.

Outcome

The Police Ombudsman's investigation report is complete and has been forwarded to PSNI for response.

4. Report Summaries

4.22

Report 22: East Belfast, 20 August 2002

Details of Incident

At 23.01 on 20 August 2002 and again at 21.10 on 21 August 2002, the Chief Constable referred incidents of baton round discharges to the Police Ombudsman. This was in accordance with the agreed protocol between the Police Ombudsman and the Chief Constable.

A total of two baton rounds had been discharged at 22.56 and 23.01 on 20 August 2002.

In the days leading up to 20 August 2002 there had been tension in the Short Strand area of Belfast, which incorporates the interface at Cluan Place/Clandeboyne Gardens near the Albertbridge Road. Over several days there had been missiles thrown over the peace line fence by youths on either side of the divide. During the early evening of 20 August 2002 tensions at the interface of Clandeboyne Gardens and Cluan Place intensified. Large crowds of rival factions began to congregate in the vicinity and Police Officers came under attack from a barrage of missiles and petrol bombs. Due to the rapidly escalating seriousness of the situation permission to deploy baton guns was granted. At 22.46 protestors built a barricade at Cluan Place and authorisation was given by a Chief Superintendent to use baton rounds. During the following 15 minutes, the fire service reported that a hostile crowd at Templemore Avenue had blocked the Albertbridge Road and petrol bombs had struck Police Land Rovers. Approximately 100-150 people had gathered in Stormount Street, some of whom were masked, and a further 80-100 had gathered at Templemore Avenue.

At 22.56 a Police Officer from the rear of a stationary Land Rover fired one baton round at a masked youth seen to be holding and about to throw a lit object in his hand. The round struck the attacker's leg. At 23.01 the same officer fired a second round from within the Land Rover at a male who was observed attempting to light an incendiary device. The round struck the attacker on the leg. Following the baton round discharges the crowds began to thin and disperse and at 23.13 permission to discharge baton rounds was rescinded.

Police Ombudsman's conclusions

(See 4.23 for Recommendations and Outcome)

No complaints were made to the Police Ombudsman's Office regarding this incident.

4.23

Report 23: East Belfast, 21 August 2002

Details of Incident

Between 19.28 and 20.46 there were reports of golf balls being thrown at St. Matthews Church in the Short Strand and a crowd of around 100 people congregated in Cluan Place, which was largely quiet, following reports from residents of stones being thrown from the Clandeboye Estate. A crowd was reported to be gathering in Castlereagh Street and workmen in the vicinity of Mountpottinger Road reported having been stoned. A crowd of approximately 150 was reported carrying furniture in Albertbridge Road at the junction of Cluan Place and there were reports of more people gathering in this area. A vehicle was driven from Stormount Street onto the Albertbridge Road where it was set alight by petrol bombs. Petrol bombs at this time were also directed at Police Officers. A member of the public in Clandeboye Gardens reported masked males pouring something onto the roofs and loud bangs could be heard in the background. Twenty to thirty masked youths were seen at Stormount Street and Police units reported a severe missile attack, including paint and petrol bombs. Local community leaders were unsuccessfully attempting to calm the situation. At 21.09 the first baton round was discharged at a petrol bomber striking him on the right thigh. A total of seven further baton rounds were fired within the following ten minutes.

At 21.21 serious disorder erupted at the junction of Albertbridge Road and Templemore Avenue with a number of officers being struck by bottles. Shortly afterwards a bus was hijacked and petrol/blast bombs thrown. The ambulance service began to withdraw its vehicles out of its local station due to the risk to crews. Police units reported being attacked with a barrage of missiles and the military moved into Templemore Avenue to assist Police Officers. Between 21.41 and 23.13, 19 baton rounds were discharged by Police Officers at rioters/petrol bombers attacking Police Officers' lines. Blast bombs and gunfire were being directed at Police Officers during this period. The violent disorder continued until after midnight when the situation quietened.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. These were apparently spontaneous outbreaks of violence, mainly in residential streets, perpetrated by elements determined to escalate a tense community situation. There was some evidence to suggest that there was a certain amount of pre-planning and preparation by rioters.

Police Officers had been attempting to maintain order by leaving the minimum number of resources in the area in order not to aggravate the situation and this was done in consultation with local community representatives. It was only after the situation escalated, despite all attempts to keep the factions apart, that baton guns were deployed and used.

There was evidence of rioters being in possession of missiles, fireworks, blast bombs and even firearms. Many were wearing scarves, masks or hoods to avoid being identified. It is evident that local community representatives were present and attempting to calm the situation in consultation with Police Officers, however, this was unsuccessful.

The Police Ombudsman considered the PSNI reaction to be both controlled and proportionate to the level of violence. Police Officers were subjected to a barrage of missiles and there is overwhelming evidence to support the Police Officers use of baton guns. All the evidence suggests that the baton gunners acted entirely correctly within the Guidelines set out in the Association of Chief Police Officers' Manual of Guidance, legislation and Human Rights law. The available evidence supports the conclusion that the discharge of baton rounds, in addition to other tactics, contributed to order being restored in the area and contributed to the safety of Police Officers involved in the operation as well as residents living in the streets where the disturbances occurred.

The Police Officers who had discharged baton rounds were fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time. No complaints were made to the Police Ombudsman's office regarding this incident.

In making the Chief Constable aware of her conclusions, the Police Ombudsman highlighted that, whilst the level of violence directed at Police Officers lines was sustained, it could be argued that PSNI personnel from inside Land Rovers could have issued a warning. The Police Ombudsman recommended that the necessity of giving such a warning, even after initial discharge, should be drawn to the attention of relevant PSNI personnel. The Police Ombudsman also recommended that PSNI address the apparently inconsistency among different police units in adhering to relevant Force Order relating to baton gun teams.

4. Report Summaries

4.23 continued

Report 23: East Belfast, 21 August 2002

Recommendation 40

The issue of oral public order warnings has been highlighted earlier in this report. There would appear to have certainly been an opportunity to give a warning on the 21 August at some stage. The level of violence directed at police lines was serious and sustained, but it could still be argued that police personnel from inside Land Rovers present at the scene could have issued a warning. The necessity of giving such a warning, even after the initial discharge, should be pointed out to the relevant personnel.

Recommendation 41

The Police Ombudsman has previously highlighted the issue of baton gun teams. There appears to be some inconsistency between different Police units. The OSU officers do not appear to be adhering to the relevant force order relating to baton gun teams whereas Urban TSGs are fully implementing the order. The matter should be addressed on a force wide basis.

Outcome

All relevant training events emphasise the need to deliver warnings prior to the use of baton rounds, and to continue to issue warnings throughout the life of the authority to use them. The issue of public order warnings is covered in General Order 46/2000 and was re-emphasised in Weekly Order 27/03 circulated throughout the PSNI on 23 July 2003. Pending a review of the above General Order, a further instruction was issued in Weekly Order 22/04 published on 2 June 2004 emphasising the importance of giving a warning before any application of force, unless impracticable in the circumstances and the need for record-keeping in relation to decision on warnings.

General Order 46/2000 further states that baton gun teams should consist of two police officers. Although the order does not make the deployment of an assistant a definitive requirement, all learning events stress that this is best practice. Weekly Order 37/03 states that, where it is not possible to deploy a baton gun team, a note must be made of the reasons.



There was evidence of rioters being in possession of missiles, fireworks, blast bombs and even firearms.

4. Report Summaries

4.24

Report 24: North Belfast, 11 September 2002

Details of Incident

On the evening of 11 September 2002, PSNI carried out a house search in the Mount Vernon area of North Belfast. At 19.21 assistance was requested as a public order situation was developing in the area of the search. At 19.41 reports were received that a number of the crowd had attacked a Police Land Rover with paint bombs and bottles. When the residential property search concluded, police vehicles were prevented from leaving the area by a hostile crowd in excess of 150 persons. A number of persons began rocking one Land Rover from side to side in an attempt to overturn the vehicle. At the same time the Land Rover was attacked by a variety of missiles. Believing his life and that of his colleagues to be in immediate danger, a Constable inside the Land Rover, following a warning, discharged a baton round at one member of the hostile crowd surrounding the vehicle. The round missed its target.

With the situation deteriorating into very serious disorder and with Police Officers coming under sustained attack, a warning was issued over a Land Rover's PA System that baton rounds would be deployed if rioting did not cease. The warning went unheeded and at 20.50 hours a second baton round was discharged at a missile thrower. The round struck the rioter on the right thigh. Over the following 15 minutes or so, a further five baton rounds were discharged at males throwing missiles, including petrol bombs at Police Officers.

Police Ombudsman's conclusions

Police Ombudsman's investigators carried out a thorough investigation into the discharge of the baton rounds. In total, one Police Officer was injured during the disturbance and six police vehicles severely damaged.

Taking into account all the circumstances, and the evidence gathered during the Police Ombudsman investigation, it was considered that the force used by Police Officers was proportionate, within Legislation and Guidelines necessary to prevent serious injury and in accordance with Force Instructions and Training. The Police Officers who had discharged baton rounds were fully trained and qualified in the use of baton guns and L21A1 baton rounds at the time. No criminal or misconduct offences were identified against any Police officer arising from the investigation. PSNI gave public warnings before the use of the baton guns.

No complaints were made to the Police Ombudsman's office regarding this incident.

In writing to the Chief Constable, the Police Ombudsman, although having no statutory power to make recommendations in respect of the military, raised the issue of Army personnel failing to withdraw from the vicinity, when requested to do so by Police Officers. The Police Ombudsman, in the public interest, recommended to the Chief Constable that the military consider the difficulties faced by Police Officers as a consequence of the apparent failure by soldiers to withdraw upon request and that steps are taken to ensure no reoccurrence.

Recommendation 42

The Force Order 46/2000 should be amended to require the deployment of baton gun assistants on all occasions.

Recommendation 43

The military consider the difficulties faced by police as a consequence of the apparent failure by the military to withdraw and that action is taken to ensure that such events do not recur.

Outcome

Weekly Order 20/04 issued on 19 May 2004 emphasised the need to detail a properly trained baton gun assistant when baton guns are being deployed, either on foot or from a vehicle.

'In relation to conclusions about the military, I have written to the General Officer Commanding, drawing your remarks to his attention, and I have asked the Regional ACCs to ensure that there are speedy and appropriate communication links between police and military, particularly when the latter are acting in direct public order support of the police.'

5. Overview

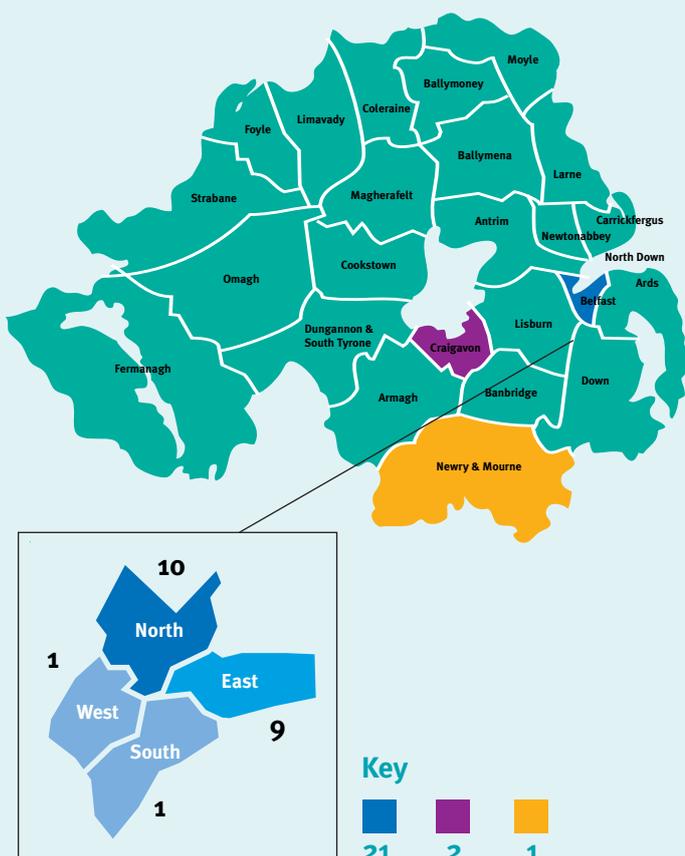
This paper describes the discharge of 299 baton rounds during 24 incidents (an average of 12.5 discharged per incident)

5.1 Geographic Location of Baton Incidents

Geographic Location of Baton Round Incidents

Twenty-one (88 per cent) incidents were located within Belfast with two in Portadown and one in Crossmaglen. North Belfast (10) had the greatest proportion of incidents in Belfast, followed by East Belfast (9). The Map below shows the number of Incidents by the District Command Unit (DCU).

Map 1
Number of Baton Round Incidents by DCU.



The number of incidents and number of baton rounds discharged are broken down by Local Government District and Ward level for Belfast. (see Table 1 below)

Table 1
Number of Baton Rounds Discharged and Incidents by Local Government District and Local Government Ward Boundary for Belfast.

Local Government District	Ward 1992 ¹	Number of Baton Rounds Discharged	Number of Baton Round Incidents
North Belfast	Ardoyne	110	4
	Castleview	7	1
	Duncairn	19	2
	Woodvale	17	2
	New Lodge	4	1
	Total		157
East Belfast	Ballymacarrett	74	7
	The Mount ²	29	2
	Total	103	9
West Belfast	Clonard	30	1
	Total	30	1
South Belfast	Shaftesbury	2	1
	Total	2	1
Belfast Total		292	21
Newry & Mourne	Crossmaglen	2	1
Craigavon	Portadown	5	2
NI Total		299	24

¹ Local Government Ward Boundary - 1992

² Incidents were on the boundary of Ballymacarrett and The Mount

5. Overview

5.2 Accuracy of Baton Rounds Discharged

Seventy Police Officers discharged 299 baton rounds of which 209 hit individuals - 2 officially failed to discharge and 4 had an unknown outcome. Assuming the unknown cases are all misses or all hits, the hit rate could lie between 70 per cent and 72 per cent.

In **Table 2**, the hit rate is calculated as the number of hits over the sum of hits plus misses.

An average of 4.3 baton rounds were discharged per officer. The maximum number of baton rounds discharged by one officer was 20 with a hit rate of 85 per cent.

Table 2: Accuracy of Baton Rounds Discharged

Result	2001	2002	Total
Hit	42	167	209
Miss	22	62	84
No Discharge	2	0	2
Unknown	0	4	4
Total	66	233	299
Hit Rate ³	66%	73%	71%

³ Hit Rate calculated by the number of hits divided by the total hits plus misses

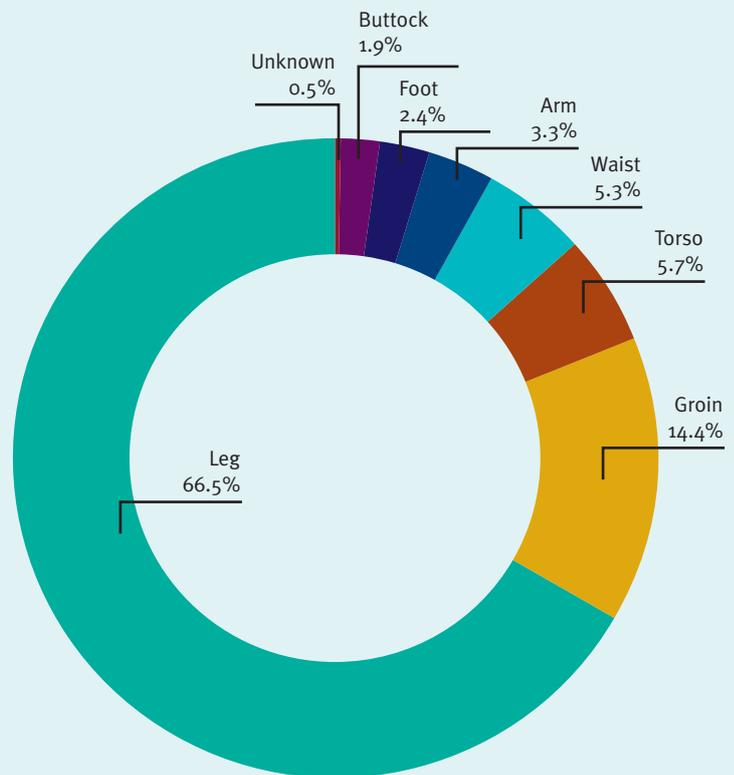
5.3 Body Area Struck by Baton Rounds

Baton rounds struck body areas as shown in **Chart 1**.

The majority (69 per cent) hit people's legs or feet, 16 per cent struck the groin or buttock and 14 per cent struck the torso, waist or arm.

No baton rounds struck the head.⁴

Chart 1: Percentage of Baton Rounds which struck Body Area.



⁴ A recent report by Laurence Rocks Clinical Director of Emergency Medicine at Belfast's Royal Victoria Hospital examined records of people injured during May-June 2002 due to baton rounds. It reported that there were no head, face or neck injuries compared with 41% such wounds in previous studies of injuries caused by the old L5A7 baton round. However, it noted that there were still injuries to the chest.

5.4 Baton Rounds Discharged by Status of Targeted Person

The majority (52 per cent) of the 299 persons targeted were carrying, lighting or throwing petrol bombs (see Table 3). There were two persons firing a handgun.

Table 3: Number of Baton Rounds Discharged by Status of Targeted Person

Targeted Person	2001	2002	Total
Petrol bomber	34	120	154
Rioter	10	53	63
Throwing missile	16	31	47
Explosive Device	0	7	7
Throwing firework	1	5	6
Firing catapult	3	2	5
Pipe bomber	0	5	5
Blast bomber	1	2	3
Attempting to open door of Land Rover	0	2	2
Firing handgun	0	2	2
Lighting metal object	0	2	2
Acid Bomber	0	1	1
Driving car at Police Officers	1	0	1
Incendiary	0	1	1
Total	66	233	299

The First Research Report (1/2002) issued by the Police Ombudsman reported on seven incidents during 2001 and 2002. Combining the data of the two reports we can obtain complete Annual Totals for 2001 and 2002. (See Table 4).

Table 4: Annual Totals of Baton Rounds Discharged

Result	2001	2002	Total
Hit	60	175	235
Miss	31	63	94
No Discharge	2	0	2
Unknown	0	4	4
Total	93	242	335
Hit Rate⁵	66%	74%	71%

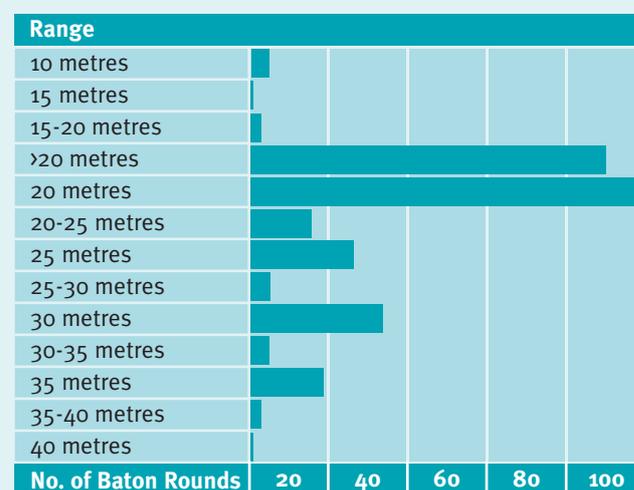
There was well over twice as many baton rounds discharged in 2002 than in 2001. The hit rate also increased to 74 per cent from 66 per cent.

⁵ Hit Rate calculated by the number of hits divided by the total hits plus misses.

5.5 Range of Targeted Person

A total of 98 per cent (293) of baton rounds discharged were 20 metres or more away from the target i.e. in accordance with the ACPO Guidelines (see Chart 2). This includes 30 per cent (90) of discharges where the range of the target person was not estimated (apart from being >20 metres).

Chart 2: Range of Targeted Person by Number of Baton Rounds Discharged



5.6 Complaints

There were 15 complaints from members of the public in relation to these Baton Round Incidents made to the Police Ombudsman's Office. (See Appendix 3.)

6. Investigators Reports and Recommendations

The Police Ombudsman's investigators carried out rigorous and thorough examinations of all twenty-four incidents and their findings are summarised in **Appendix 2**. In all the incidents, the investigators concluded that the discharge of the baton rounds was fully justified and proportionate, as were the authorisation and directions given. The deployment and use of the baton rounds were in full accordance with the relevant Force Orders and ACPO Guidance for nineteen of the 24 cases. In the four that didn't fully meet Force Orders, recommendations and words of advice were given. No matters of Police Officers misconduct were found, and indeed the Police Officers were frequently found to have acted with considerable restraint.

However, there were a number of issues of concern arising from the incidents. These were:

- Two occasions of a delay in reporting the incident to the Police Ombudsman's Senior Investigations Officer (a PSNI Weekly Order promulgated recently addressed this issue).
- An occasion of a delay in a Silver Commander's response to a request for authorisation to use baton guns.
- A delay in PSNI supply of information to the Police Ombudsman's investigators.
- The lack of baton gun assistants.
- The lack of full video evidence.
- The lack of public warning on occasions.
- An incident in which a baton gunner was on duty for 30 hours.
- An officer's record of training in baton guns not being up-to-date.
- Officers carrying semi-automatic firearms in riot situations.
- The recording in Firearms Registers of the numbers of baton rounds issued and returned.

The Police Ombudsman has made a number of recommendations to PSNI about these issues that have been addressed, for example in respect of the recording in Firearms Registers of the numbers of baton rounds issued and returned. The positive response by PSNI is welcome, as it enables the Police Ombudsman to audit accurately and independently the numbers of baton rounds discharged in every incident.

However, one particular issue that is of great concern to the Police Ombudsman is the frequent lack of proper video evidence of baton round discharges. Research carried out in this Office on videos supplied by PSNI found that in only a minority of cases were the actual baton round discharges recorded.

Furthermore, the frequent absence of baton gunners' assistants (see for example Report 1) meant that vital corroborative evidence surrounding discharges was often not available. As baton gunners can only complete their reports after the incident their recollections of what took place during very stressful situations might be inaccurate. The Police Ombudsman has noted that some police services in England in developing their plans for public order situations, are intending to deploy video evidence gatherers along with each baton gunner.

The Police Ombudsman is thus of the opinion that PSNI should consider the deployment of evidence gatherers (using both video and audio recording) along with baton gunners. This would be advantageous for the following reasons:

- The best possible evidence would be collected against those persons targeted by the baton gunners, facilitating prosecution for any offence committed.
- The baton gunners themselves would not have to make detailed notes but could refer to the contemporaneous video and its associated commentary.
- The justification for each baton round discharge would be clearer.
- The guaranteed availability of video evidence, with the associated increased threat of the prosecution of people involved in rioting, might deter people from taking part in these activities.
- If the evidence gatherer were also to carry a shield, this would give added protection for the baton gunner.
- The collation of a library of video recordings would facilitate the development of intelligence-led approaches to potential riot situations.
- The availability of continuous, unedited recordings of public order events would not only be in the public interest but would also be of great use to the Police Ombudsman's investigators. This is especially the case given the fact that after some recent incidents a number of selectively edited videos have been presented to the Office.

This recommendation was made to the Chief Constable of the PSNI in August 2002 and PSNI responded with a plan to run a pilot scheme whereby the circumstances leading up to and surrounding baton gun use by police will be recorded. This will be implemented by two Tactical Support Groups in the Belfast region.

Appendix 1 - Baton Round Discharges by Incident and Police Officer⁶

Table A1: North Belfast, 12 July 2001

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Rioter	>20 metres	Miss	-
A	8	Rioter	>20 metres	Miss	-
A	19	Rioter	>20 metres	Miss	-
A	20	Rioter	>20 metres	Miss	-
B	2	Throwing missile	>20 metres	Miss	-
B	3	Throwing missile	>20 metres	Hit	Leg
B	4	Throwing missile	>20 metres	Hit	Leg
B	5	Rioter	>20 metres	Miss	-
B	6	Throwing missile	>20 metres	Hit	Leg
B	7	Throwing missile	>20 metres	Hit	Leg
B	9	Throwing missile	>20 metres	Miss	-
B	10	Throwing missile	>20 metres	Hit	Leg
C	11	Throwing missile	>20 metres	Hit	Groin
C	12	Throwing missile	>20 metres	Hit	Waist
C	13	Throwing missile	>20 metres	Hit	Leg
C	14	Petrol bomber	>20 metres	Hit	Buttock
C	15	Petrol bomber	>20 metres	Hit	Torso
C	16	Throwing missile	>20 metres	Hit	Groin
C	17	Petrol bomber	>20 metres	Hit	Leg
C	18	Throwing missile	>20 metres	Hit	Buttock
D	21	Throwing missile	>20 metres	Miss	-
D	22	Petrol bomber	>20 metres	Hit	Waist
D	23	Petrol bomber	>20 metres	Miss	-
D	24	Petrol bomber	>20 metres	Hit	Leg
D	25	Throwing missile	>20 metres	Miss	-
D	26	Throwing missile	>20 metres	Hit	Leg
D	27	Petrol bomber	>20 metres	Miss	-
D	28	Petrol bomber	>20 metres	Miss	-
D	29	Petrol bomber	>20 metres	Hit	Leg
D	45	Petrol bomber	>20 metres	Hit	Leg
E	30	Rioter	>20 metres	Hit	Leg
E	32	Rioter	>20 metres	Hit	Leg
E	35	Petrol bomber	>20 metres	Miss	-
F	31	Petrol bomber	>20 metres	Miss	-
F	33	Petrol bomber	>20 metres	Hit	Leg
G	34	Petrol bomber	>20 metres	Hit	Leg
G	36	Rioter	>20 metres	Hit	Leg

⁶ Source: Office of the Police Ombudsman for Northern Ireland Investigation Reports and PSNI documentary evidence (See Section 3)

Appendix 1 - Baton Round Discharges by Incident and Police Officer

Table A1: North Belfast, 12 July 2001 (continued)

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
H	37	Rioter	>20 metres	Miss	-
H	46	Rioter	>20 metres	Miss	-
I	38	Petrol bomber	>20 metres	Hit	Arm
I	39	Firing catapult	>20 metres	Hit	Leg
I	40	Petrol bomber	>20 metres	Hit	Leg
I	41	Firing catapult	>20 metres	Miss	-
I	42	Driving car at police	>20 metres	Miss	-
I	43	Petrol bomber	>20 metres	Miss	-
I	44	Petrol bomber	>20 metres	Hit	Leg
I	47	Petrol bomber	>20 metres	Hit	Leg

Table A2: North Belfast, 26 September 2001

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol bomber	30-35 metres	Hit	Leg
A	2	Petrol bomber	30-35 metres	Hit	Leg
A	3	Throwing firework	25 metres	Miss	-
B	4	Blast bomber	25 metres	Hit	Leg
B	5	Petrol bomber	>20 metres	Hit	Leg
C	6	Petrol bomber	25 metres	Hit	Foot
C	7	Petrol bomber	>20 metres	Hit	Leg
D	8	Petrol bomber	>20 metres	Hit	Leg
D	10	Petrol bomber	>20 metres	Miss	-
E	9	Petrol bomber	25 metres	Hit	Leg

Table A3: North Belfast, 27 September 2001

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol bomber	>20 metres	Hit	Groin
A	3	Petrol bomber	>20 metres	Hit	Leg
A	5	Petrol bomber	>20 metres	Hit	Groin
B	2	Petrol bomber	>20 metres	No discharge	-
B	6	Petrol bomber	>20 metres	No discharge	-
C	4	Petrol bomber	>20 metres	Hit	Leg
C	7	Petrol bomber	>20 metres	Hit	Leg

Table A4: Crossmaglen, 9 December 2001

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	2	Firing catapult	>20 metres	Miss	-
A	1	Throwing missile	>20 metres	Hit	Waist

Table A5: North Belfast, 10 January 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol bomber	30 metres	Miss	-
A	22	Throwing missile	20 metres	Hit	Waist
A	23	Throwing missile	20 metres	Hit	Leg
B	2	Petrol bomber	35 metres	Miss	-
B	3	Petrol bomber	30 metres	Hit	Leg
B	4	Petrol bomber	35-40 metres	Miss	-
C	6	Rioter	>20 metres	Hit	Waist
C	7	Rioter	>20 metres	Hit	Waist
C	8	Rioter	>20 metres	?	-
C	9	Rioter	>20 metres	?	-
C	10	Rioter	>20 metres	?	-
C	11	Rioter	>20 metres	?	-
C	5	Throwing missile	25 metres	Hit	Waist
D	12	Petrol bomber	20 metres	Miss	-
D	13	Petrol bomber	25 metres	Hit	Leg
D	15	Petrol bomber	20 metres	Hit	?
D	14	Throwing missile	20 metres	Hit	Leg
D	16	Throwing missile	20 metres	Miss	-
E	17	Petrol bomber	20 metres	Hit	Waist
E	18	Petrol bomber	30 metres	Hit	Leg
F	19	Petrol bomber	25 metres	Miss	-
F	20	Throwing missile	25 metres	Hit	Groin
G	21	Petrol bomber	>20 metres	Miss	-
H	24	Throwing missile	25 metres	Hit	Groin
I	25	Petrol bomber	20 metres	Hit	Leg
I	26	Petrol bomber	30 metres	Hit	Foot
I	27	Petrol bomber	30 metres	Miss	-
I	28	Throwing missile	30 metres	Hit	Leg
I	29	Throwing missile	20 metres	Miss	-

Appendix 1 - Baton Round Discharges by Incident and Police Officer

Table A6: North Belfast, 30 March 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol bomber	>20 metres	Miss	-
A	2	Petrol bomber	>20 metres	Hit	Leg
A	3	Petrol bomber	>20 metres	Hit	Foot
B	4	Petrol bomber	>20 metres	Miss	-

Table A7: North Belfast, 2 April 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Throwing missile	20 metres	Miss	-

Table A8: North Belfast, 3 April 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	4	Blast bomber	30 metres	Hit	Waist
A	1	Petrol bomber	35 metres	Hit	Leg
A	11	Petrol bomber	35 metres	Hit	Leg
A	12	Petrol bomber	>20 metres	Hit	Leg
A	9	Pipe bomber	30 metres	Miss	-
A	3	Throwing missile	35 metres	Miss	-
B	7	Blast bomber	35 metres	Hit	Leg
B	13	Petrol bomber	35 metres	Hit	Leg
B	14	Petrol bomber	30 metres	Miss	-
B	2	Pipe bomber	30 metres	Hit	Leg
B	8	Pipe bomber	30 metres	Miss	-
C	15	Firing handgun	>20 metres	Hit	Groin
C	10	Petrol bomber	>20 metres	Miss	-
C	16	Petrol bomber	>20 metres	Miss	-
C	18	Petrol bomber	>20 metres	Hit	Groin
C	5	Pipe bomber	35 metres	Miss	-
C	6	Pipe bomber	>20 metres	Hit	Leg
D	17	Petrol bomber	>20 metres	Hit	Torso

Table A9: North Belfast, 21 April 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Rioter	25-30 metres	Hit	Leg

Table A10: North Belfast, 4 May 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Rioter	20 metres	Hit	Leg
A	2	Rioter	20 metres	Hit	Groin
A	3	Rioter	20 metres	Hit	Leg
A	4	Rioter	20 metres	Hit	Groin
A	5	Rioter	20 metres	Hit	Torso
A	6	Rioter	20 metres	Hit	Torso
A	7	Rioter	20 metres	Miss	-
A	15	Rioter	20 metres	Hit	Groin
A	21	Rioter	20 metres	Miss	-
A	22	Rioter	20 metres	Hit	Arm
A	33	Rioter	20 metres	Hit	Leg
B	8	Rioter	20 metres	Miss	-
B	9	Rioter	20 metres	Hit	Leg
C	10	Rioter	20-25 metres	Hit	Leg
C	11	Rioter	20-25 metres	Hit	Leg
C	12	Rioter	20-25 metres	Miss	-
C	13	Rioter	20-25 metres	Hit	Leg
C	14	Rioter	20-25 metres	Hit	Leg
C	18	Rioter	20-25 metres	Hit	Leg
C	19	Rioter	20-25 metres	Hit	Leg
C	20	Rioter	20-25 metres	Hit	Leg
C	23	Rioter	20 metres	Hit	Leg
C	25	Rioter	30 metres	Hit	Leg
C	26	Rioter	30 metres	Miss	-
C	27	Rioter	30 metres	Hit	Leg
C	28	Rioter	30 metres	Miss	-
C	29	Rioter	30 metres	Hit	Foot
C	30	Rioter	30 metres	Hit	Leg

Appendix 1 - Baton Round Discharges by Incident and Police Officer

Table A10: North Belfast, 4 May 2002 (continued)

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
D	16	Rioter	35-40 metres	Hit	Leg
D	17	Rioter	30-35 metres	Miss	-
E	31	Petrol bomber	20 metres	Hit	Torso
E	32	Petrol bomber	20 metres	Miss	-
E	24	Rioter	20 metres	Hit	Buttock

Table A11: East Belfast, 12 May 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Rioter	25 metres	Hit	Groin
B	2	Rioter	25 metres	Hit	Leg

Table A12: East Belfast, 14 May 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Acid Bomber	30 metres	Miss	-
A	2	Petrol Bomber	30 metres	Hit	Leg
A	3	Petrol Bomber	30 metres	Hit	Leg

Table A13: Portadown, 25 May 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol bomber	>20 metres	Hit	Leg
A	2	Petrol bomber	>20 metres	Miss	-

Table A14: East Belfast, 2 June 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Throwing Missile	25 metres	Hit	Leg

Table A15: East Belfast, 3 June 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol bomber	35 metres	Miss	-
A	2	Petrol bomber	35 metres	Miss	-
A	3	Petrol bomber	35 metres	Miss	-
A	4	Petrol bomber	35 metres	Hit	Torso
A	7	Petrol bomber	30 metres	Hit	Groin
A	8	Petrol bomber	35 metres	Miss	-
A	28	Petrol bomber	25-35 metres	Hit	Leg
A	44	Throwing firework	25-35 metres	Hit	Leg
A	9	Throwing missile	25 metres	Hit	Leg
A	10	Throwing missile	35 metres	Miss	-
A	34	Throwing missile	35 metres	Miss	-
A	38	Throwing missile	20-25 metres	Hit	Buttock
B	5	Petrol bomber	25 metres	Hit	Leg
B	6	Petrol bomber	20 metres	Hit	Leg
B	13	Petrol bomber	25 metres	Hit	Arm
B	14	Petrol bomber	20 metres	Hit	Leg
B	18	Petrol bomber	25 metres	Miss	-
B	27	Petrol bomber	20 metres	Hit	Groin
B	55	Petrol bomber	25 metres	Hit	Leg
B	57	Petrol bomber	20 metres	Hit	Leg
B	60	Petrol bomber	30 metres	Miss	-
C	52	Attempting to open door of Land Rover	20-25 metres	Hit	Leg
C	53	Attempting to open door of Land Rover	20-25 metres	Hit	Groin
C	49	Firing catapult	20 metres	Hit	Leg
C	45	Lighting metal object	15 metres	Hit	Groin
C	48	Lighting metal object	20 metres	Hit	Groin
C	11	Petrol bomber	35 metres	Hit	Groin
C	15	Petrol bomber	35 metres	Miss	-
C	20	Petrol bomber	35 metres	Miss	-
C	29	Petrol bomber	20-25 metres	Hit	Groin
C	47	Petrol bomber	20 metres	Hit	Leg
C	50	Petrol bomber	20 metres	Hit	Leg
C	12	Rioter	35 metres	Hit	Leg
C	32	Rioter	20-25 metres	Hit	Leg
C	43	Throwing firework	15-20 metres	Miss	-
C	58	Throwing firework	20 metres	Hit	Leg
C	59	Throwing firework	20 metres	Hit	Arm

Appendix 1 - Baton Round Discharges by Incident and Police Officer

Table A15: East Belfast, 3 June 2002 (continued)

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
C	30	Throwing missile	20-25 metres	Hit	Leg
C	51	Throwing missile	20 metres	Hit	Arm
C	54	Throwing missile	15-20 metres	Hit	Torso
C	56	Throwing missile	20 metres	Hit	Leg
D	16	Petrol bomber	30 metres	Miss	-
D	17	Petrol bomber	30 metres	Hit	Leg
D	36	Petrol bomber	30 metres	Miss	-
D	39	Petrol bomber	25 metres	Hit	Leg
D	40	Petrol bomber	30 metres	Miss	-
D	41	Petrol bomber	30 metres	Hit	Leg
D	35	Throwing missile	25 metres	Hit	Leg
D	37	Throwing missile	25 metres	Hit	Leg
D	42	Throwing missile	30 metres	Hit	Foot
E	26	Firing catapult	>20 metres	Hit	Leg
E	19	Petrol bomber	>20 metres	Hit	Groin
E	21	Petrol bomber	>20 metres	Hit	Groin
E	31	Petrol bomber	>20 metres	Hit	Arm
E	33	Petrol bomber	>20 metres	Miss	-
E	22	Rioter	>20 metres	Hit	Torso
E	23	Rioter	>20 metres	Hit	Torso
E	24	Rioter	>20 metres	Hit	Torso
E	25	Rioter	>20 metres	Hit	Groin
F	46	Petrol bomber	20 metres	Hit	Groin

Table A16: South Belfast, 9 June 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Firing handgun	40 metres	Miss	-
A	2	Petrol bomber	20 metres	Hit	Leg

Table A17: East Belfast, 13 June 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol Bomber	20 metres	Miss	-

Table A18: Portadown, 7 July 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Throwing Missile	10 metres	Hit	Waist
A	2	Throwing Missile	10 metres	Hit	Arm
B	3	Throwing Missile	10 metres	Hit	Leg

Table A19: West Belfast, 12 July 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol Bomber	20 metres	Hit	Leg
A	2	Petrol Bomber	25 metres	Hit	Leg
A	3	Petrol Bomber	20 metres	Hit	Leg
B	4	Petrol Bomber	25 metres	Hit	Leg
B	5	Petrol Bomber	30 metres	Hit	Leg
B	6	Petrol Bomber	30 metres	Hit	Groin
B	7	Petrol Bomber	25 metres	Hit	Leg
B	8	Petrol Bomber	30 metres	Miss	-
B	9	Petrol Bomber	25 metres	Hit	Leg
B	10	Petrol Bomber	30 metres	Hit	Leg
B	11	Petrol Bomber	30 metres	Hit	Leg
B	12	Petrol Bomber	30 metres	Miss	-
B	13	Petrol Bomber	35 metres	Miss	-
C	14	Petrol Bomber	20 metres	Miss	-
C	15	Petrol Bomber	20 metres	Miss	-
C	16	Petrol Bomber	20 metres	Miss	-
C	17	Petrol Bomber	20 metres	Hit	Leg
C	18	Petrol Bomber	20 metres	Hit	Leg
C	19	Petrol Bomber	20 metres	Hit	Leg
C	20	Petrol Bomber	20 metres	Hit	Leg
C	21	Petrol Bomber	20 metres	Hit	Leg
C	22	Petrol Bomber	20 metres	Hit	Leg
C	23	Petrol Bomber	20 metres	Hit	Leg
C	24	Petrol Bomber	20 metres	Hit	Leg
C	25	Petrol Bomber	20 metres	Hit	Leg
C	26	Petrol Bomber	20 metres	Hit	Leg
C	27	Petrol Bomber	20 metres	Hit	Leg
C	28	Petrol Bomber	20 metres	Hit	Leg
C	29	Petrol Bomber	20 metres	Hit	Leg
C	30	Petrol Bomber	20 metres	Hit	Leg

Appendix 1 - Baton Round Discharges by Incident and Police Officer

Table A20: East Belfast, 10 August 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Throwing firework	20 metres	Miss	-

Table A21: East Belfast, 15 August 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Petrol Bomber	>20 metres	Miss	-
A	2	Throwing missile	20 metres	Hit	Groin
A	3	Throwing missile	25 metres	Hit	Groin
B	4	Throwing missile	25 metres	Miss	-
B	5	Throwing missile	20 metres	Hit	Torso
B	6	Throwing missile	20-25 metres	Hit	Torso

Table A22: East Belfast, 20 August 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	2	Incendiary	20 metres	Hit	Leg
A	1	Petrol Bomber	20 metres	Hit	Leg

Table A23: East Belfast, 21 August 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	10	Explosive Device	20 metres	Hit	Leg
A	12	Explosive Device	20 metres	Hit	Leg
A	14	Explosive Device	20 metres	Hit	Groin
A	19	Explosive Device	20 metres	Hit	Leg
A	20	Explosive Device	20 metres	Hit	Leg
A	3	Petrol Bomber	20 metres	Hit	Leg
A	5	Petrol Bomber	20 metres	Hit	Leg
A	8	Petrol Bomber	20 metres	Hit	Groin
A	9	Petrol Bomber	20 metres	Hit	Leg
B	4	Petrol Bomber	20 metres	Hit	Leg
B	7	Petrol Bomber	20 metres	Hit	Leg
B	13	Petrol Bomber	20 metres	Hit	Groin
B	15	Petrol Bomber	20 metres	Miss	-
B	17	Petrol Bomber	20 metres	Hit	Leg
B	18	Petrol Bomber	20 metres	Miss	-
C	21	Explosive Device	20 metres	Hit	Leg
C	6	Petrol Bomber	20 metres	Hit	Leg
C	11	Petrol Bomber	20 metres	Miss	-
C	16	Petrol Bomber	20 metres	Hit	Leg

Table A23: East Belfast, 21 August 2002 continued

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
D	22	Explosive Device	20 metres	Hit	Leg
D	23	Petrol Bomber	20 metres	Miss	-
D	25	Petrol Bomber	20 metres	Hit	Leg
D	26	Petrol Bomber	20 metres	Hit	Leg
D	29	Petrol Bomber	20 metres	Hit	Leg
D	24	Rioter	20 metres	Hit	Leg
D	27	Rioter	20 metres	Hit	Waist
D	28	Rioter	20 metres	Hit	Leg

Table A24: East Belfast, 11 September 2002

Officer	Round Number	Targeted Person	Range	Hit or Miss	Body Area Struck
A	1	Rioter	20 metres	Miss	-
A	2	Rioter	20 metres	Hit	Groin
B	3	Rioter	20 metres	Hit	Leg
C	4	Petrol Bomber	20 metres	Hit	Leg
C	5	Petrol Bomber	20 metres	Hit	Leg
C	7	Rioter	20 metres	Miss	-
D	6	Petrol Bomber	20 metres	Miss	-

Appendix 2 - Summary Table of Report Findings

Appendix 2: Summary Table of Report Findings

Ref. Number	Incident date	Incident Location	Number of Baton Rounds Discharged
A15	03-Jun-02	Cluan Pl., East Belfast	60
A1	12-Jul-01	Estoril Pk., North Belfast	47
A10	04-May-02	Brompton Pk., North Belfast	33
A19	12-Jul-02	Springfield Rd., West Belfast	30
A5	10-Jan-02	Brompton Pk., North Belfast	29
A23	21-Aug-02	Albertbridge Rd., East Belfast	27
A8	03-Apr-02	Lawther Ct., North Belfast	18
A2	26-Sep-01	Cambrai St., North Belfast	10
A24	11-Sep-02	Mount Vernon, North Belfast	7
A3	27-Sep-01	Cambrai St., North Belfast	5 (+ 2 failures)
A21	15-Aug-02	Cluan Pl., East Belfast	6
A6	30-Mar-02	North Queen St., North Belfast	4
A12	14-May-02	Short Strand, East Belfast	3
A18	07-Jul-02	Portadown	3
A4	09-Dec-01	Crossmaglen	2
A11	12-May-02	Short Strand, East Belfast	2
A13	25-May-02	Portadown	2
A16	09-Jun-02	Donegal Pass, South Belfast	2
A22	20-Aug-02	Albertbridge Rd., East Belfast	2
A7	02-Apr-02	Lawther Ct., North Belfast	1
A9	21-Apr-02	Brompton Pk., North Belfast	1
A14	02-Jun-02	Albertbridge Rd., East Belfast	1
A17	13-Jun-02	Albertbridge Rd., East Belfast	1
A20	10-Aug-02	Cluan Pl., East Belfast	1

⁷ Source: Central Statistics unit, PSNI - Injuries as recorded on CCS only

	Number of persons struck	Number of officers injured during Incident ⁷	Authorisation Given	Justified, Reasonable and Proportionate use of Force	Breach of Force Orders or ACPO Guidelines
	45	8	Yes	Yes	Yes
	28	“Over 100”	Yes	Yes	Yes
	25	27	Yes	Yes	No
	24	20	Yes	Yes	No
	16	34	Yes	Yes	No
	22	10	Yes	Yes	No
	11	13	Yes	Yes	No
	8	30	Yes	Yes	No
	4	1	Yes	Yes	No
	5	13	Yes	Yes	No
	4	16	Yes	Yes	Yes
	2	9	Yes	Yes	No
	2	9	Yes	Yes	No
	3	32	Yes	Yes	No
	1	14	Yes	Yes	No
	2	1	Yes	Yes	No
	1	0	Yes	Yes	No
	1	1	Yes	Yes	No
	2	6	Yes	Yes	Yes
	0	11	Yes	Yes	No
	1	3	Yes	Yes	Yes
	1	0	Yes	Yes	No
	0	1	Yes	Yes	No
	0	13	Yes	Yes	No

Appendix 3 - Complaints from members of the Public arising from Baton Round Incidents⁸

Appendix 3: Complaints from members of the Public arising from Baton Round Incidents

	Incident date	Incident Location	Number of Complaints	Allegation Type
A15	03-Jun-02	Cluan Pl., East Belfast	1	Oppressive Behaviour
			1	Oppressive Behaviour
			1	Oppressive Behaviour
A1	12-Jul-01	Estoril Pk., North Belfast	1	Oppressive Behaviour
			1	Oppressive Behaviour
			1	Oppressive Behaviour
			1	Oppressive Behaviour
A5	10-Jan-02	Brompton Pk., North Belfast	1	Oppressive Behaviour
A2	26-Sep-01	Cambrai St., North Belfast	1	Oppressive Behaviour
A12	14-May-02	Short Strand, East Belfast	1	Oppressive Behaviour
			1	Oppressive Behaviour
			1	Oppressive Behaviour

⁸ Source: Office of the Police Ombudsman for Northern Ireland Case Handling System

Nature of Complaint	Status	Status - Explanation
Complainant alleges he was hit by a police baton round.	Closed - Non Co-operation	The failure of a complainant to co-operate or provide reasonable assistance for the purpose of an investigation makes a meaningful enquiry impracticable.
Complainant alleges he was struck on the leg by a plastic bullet.	Closed - Non Co-operation	
Hit in groin with baton round prior to his arrest.	Closed - Non Co-operation	
Alleges he was struck with a plastic baton round.	Reg24 - Further Steps Not Indicated	Where a complainant fails to respond to preliminary enquiries initiated by the complaints office/an invitation to participate in the informal resolution process/ a complainant indicates verbally that he wishes to withdraw a complaint but fails to make the required signed withdrawal statement.
Complainant alleges he was struck by a plastic bullet.	Reg24 - Further Steps Not Indicated	
Complainant alleges she was struck by a plastic bullet.	Reg24 - Further Steps Not Indicated	
Struck on head with baton round.	Closed - Not Substantiated - no further action	Where an investigation has taken place and the investigation Officer is satisfied there is insufficient evidence to substantiate the allegations made against police.
Complainant was hit on right leg with a plastic baton round on the Upper Crumlin Rd.	Closed - Non Co-operation	See above
Complainant alleges he was struck on the right leg with a baton round.	Closed - Not Substantiated - no further action	See above
Struck by plastic baton round.	Closed - III - Founded	Where it becomes clear either during preliminary enquiries that the complaint is without foundation. The complaint was made by a legal representative, however the alleged injured when contacted did not wish to complain.
Complainant alleges he was struck with a plastic baton round.	Closed - Not Substantiated - no further action	See above
Complainant alleges he was hit in the back of the leg by a plastic baton round.	Reg24 - Further Steps Not Indicated	See above

Appendix 3 - Complaints from members of the Public arising from Baton Round Incidents

	Incident date	Incident Location	Number of Complaints	Allegation Type
A7	02-Apr-02	Lawther Ct., North Belfast	1	Oppressive Behaviour
N/A	14-Jun-02	Albertbridge Rd., East Belfast	1	Oppressive Behaviour
A6	30-Mar-02	North Queen St., North Belfast	1	Other
Total Complaints			15	

Nature of Complaint	Status	Status - Explanation
Alleges that he was struck between the legs by a plastic baton round.	Closed - Not Substantiated - no further action	See above
Complainant alleges he was struck on the right thigh by a baton round.	Closed - III Founded	During preliminary enquiries it was discovered that there was no baton rounds discharged on this date.
Complainant alleges she was struck with a plastic baton round.	Closed - Incapable of Investigation	In view of no witnesses, a review of the video footage, a review of evidence relating to the investigation and there are no other lines of inquiry to pursue.



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