

INQUIRY INTO PUBLIC DISTURBANCES AT MACQUARIE FIELDS

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Summary

Police Association of NSW

Inquiry into public disturbances at Macquarie Fields

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Introduction

The Legislative Council's Standing Committee on Social Issues has invited the Police Association of NSW to contribute a submission to its Inquiry into public disturbances at Macquarie Fields.

During the Macquarie Fields riots, Association personnel were on the ground to monitor the situation and talk to our members. After the operation, Police Association representatives attended many of the debriefs which followed, conducted its own focus groups and spoke to key individuals to gain an insight into how the incident was handled. Information gained through this consultation process now forms the basis of this submission.

It must also be duly noted that the Association had forwarded much of the same information to NSW Police earlier this year in the form of a report. The report, which also contained a list of recommendations, was submitted to the Police Review (that was overseen by Deputy Commissioner Dave Madden and the Ombudsman).



Background

On 25 February 2005, riots broke out in the suburb of Macquarie Fields following the death of two local teenagers in a car smash during a police pursuit of the stolen vehicle. During the days of rioting that followed, cars were set alight in the public housing area of the suburb; police officers on the front line were attacked with timber, bricks, Molotov cocktails and rocket propelled fireworks and entire streets were blocked off with debris.

The social issues underlying the range of problems within Macquarie Fields are not a policing issue. The focus for our members in terms of this submission rests on NSW Police's handling of the Macquarie Fields incident.

NSW Police Response to Macquarie Fields Riots

The NSW Police response to the Macquarie Fields riots is yet another example of its failure to be able to consistently and professionally respond to public order incidents. Public order events such as the riots between 25 February and 4 March 2005 at Macquarie Fields were reasonably foreseeable from past experience and are almost certain to occur at some time in the future.

The dangers to which the police and the community were exposed during the Macquarie Fields riots could have been prevented, or at the very least greatly reduced, had the Association's recommendations to Strike Force Coburn (following the Redfern riots) had been fully implemented. One of the recommendations the Association had made involved the establishment of a full time Operational Support Group (OSG) unit to provide operational support on a 24-hour basis to Local Area Commands and Regions in situations falling within the charter of the OSG. The State Government recently announced the establishment of a Public Order and Riot Squad, which will be implemented on 1 January 2006. This announcement comes approximately 19 months after the Redfern riot and 7 months after the Macquarie Fields incident. This delay in decision-making has clearly failed the Police Officers and Public of NSW. Will it take the death of one of our members before the NSW Police act with more haste on our recommendations?

The Association also submits that critical errors in the management of the police operation led to an escalation rather than a de-escalation of the degree of risk to the police and members of the public, and that these errors were systemic rather than particular to any person or persons involved in the management of the disorder. Commanders and their delegates had no formal way of checking that the decisions they made were in line with current standard operating procedures. Difficulties were also identified with the integration of groups such as the OSG into the decision-making processes.

Issues Brought to Light During the Macquarie Fields Riots

Issues brought to light by front line officers at the incident (which will also be discussed in greater detail later in the submission) included:

- Commanders and Duty officers, lacking regular emergency management training, made poor decisions regarding the deployment of sufficient staff and resources. Police officers were consequently exposed to a higher than necessary risk of being seriously injured.
- Commanders and their delegates had no formal way of checking that the decisions they made were in line with current standard operating procedures.
- The lack of a proper analysis of intelligence on the 26th and 27th February, led to the decision to slowly increase resources. As a result of this poor analysis, Police officers were placed in situations, which resulted in numerous officers being injured. The Association suspects that this decision may have been due to budgetary constraints on Local Area Commands.
- Because there was no command figurehead within the OSG, there was significant confusion within its ranks about the command, control and tactics deployed during the riots.
- Commanders across the state are unable to quickly establish how many OSG personnel are working at any one time.
- There are still insufficient numbers of trained OSG officers on-call to respond quickly and in required numbers to incidents such as Macquarie Fields riots.
- NSW Police has no logistical support backup for the management of emergency management issues. Police officers were not provided with sufficient riot equipment, bullet resistant vests, adequate communications, food and water.
- Crowd & riot equipment previously identified as being unsuitable, and which should have been removed from operational use over 12 months previously, was still in service and used by numerous officers during the Macquarie Fields riots.
- Specialist Police sections were not called upon in a timely fashion to provide support to front line Police so that this incident could be resolved quickly.
- Local Police were excluded from briefings and intelligence gathered, including the possibility of alleged offenders possessing firearms. The only way they could ascertain this information was by talking to other police and the media.

Command and Control

Command and control systems need to present a mass of diverse, and often complex data in a timely manner to those in operational control. This must be done in a way that will allow them to quickly and accurately analyse a situation and then generate and disseminate their plans. The command and control function failed in the critical stages of the Macquarie Fields riots.

Bricks and bottles were thrown at Police officers between 11.00pm and 11.30pm on 25 February. However, the decision to call in the OSG was not made until 3.15am on the following day. The OSG arrived at 4.30am, but without appropriate equipment or in adequate numbers. Further, when the OSG requested information as to the nature and size of the incident, the command post refused to supply this information. A police officer at the scene of the accident was directed to remain in a vehicle, while it was being pelted with bricks and bottles, to gather intelligence for the command post. Upon the arrival of the OSG, they directed the officer out of the vehicle to a position of safety.

The Greater Metropolitan Region had no formal procedure in place to facilitate the call out of OSG officers to deal with the incident. During the course of the riots, OSG officers were called in from all over the state. However, OSG officers working within some Greater Metropolitan commands were not called to assist (for example, there was an experienced Sgt OSG Team Leader working at one station). Obviously, local existing Greater Metropolitan trained officers were not utilised to the best of their ability during the incident, and this has inevitably caused morale issues within Greater Metropolitan OSG.

Crowd and riot equipment for the Greater Metropolitan Region was located at Wetherill Park, 20 minutes from the scene, but was not called for on the first night. Some of the other equipment located at Penrith and Hornsby was not deployed until the fourth night. An OSG officer attached to the Vikings unit was struck on the head at the scene of the riot whilst he was waiting for the riot equipment to arrive. The NSW Fire Brigade provided treatment to this officer as no ambulance officers were in attendance or on standby. The Dog Squad, Police Airwing and other specialist sections were not called to provide assistance and support on the first night; with some of these specialist sections not being called for until day four.

A major issue was the absence of a clear line of command. There were three superintendents and a chief inspector in attendance, yet it was not clear who was running the operation. The command and control team had no way of objectively judging whether or not they had sufficient resources on the ground at any time. Moreover, the command post was set up in a poor location on the edge of a wooded area. Officers attending the riots received poor or no briefings as to the situation and the commander's intent.

Communications

The Police Association has also identified a number of serious communications issues relating to the Police Service's handling of the Macquarie Fields riots.

The free flow of information between the command post and officers on the ground was restricted by the command post due to concerns that the information may be leaked to the media. Consequently, greater emphasis was placed on the image of the NSW Police rather than on the safety of its officers.

The Police Operations Centre (POC), which was specifically set up to manage and control incidents such as this was not utilised during the operation. Specialists from the Police Radio Network Services were not called upon to provide support in a timely manner. There were also insufficient portable radios on hand for the officers deployed. When the radio batteries became flat, which was frequently the case, there were insufficient spare batteries and no procedures to change them during a riot.

Another serious issue related to the fact that OSG team leaders were unable to communicate with their teams, especially when the Police helicopter was flying low overhead. NSW Police does not have modern riot helmet communication systems as utilised by other law enforcement agencies around the world. Further, OSG teams were deployed on different radio channels or the channels were changed without notification.

Tactics

Due to the command team's lack of understanding and training regarding OSG tactics, decisions were made which adversely affected the safety of OSG officers during the riot.

When OSG team leaders called for vehicles to be deployed so that missiles being used against them could be removed from the scene and disposed of, this request was refused. OSG leaders who made informed tactical decisions were directed to do the opposite by more senior officers with little or no understanding of OSG capabilities or tactics. This created tensions between OSG team leaders and the OSG officers who were required to undertake the tasks. Certain OSG tactics such as multiple lines could not be used due to the differences in the training conducted by each region.

Due to a lack of some resources and training issues, some officers were placed at greater risk, such as a member of the Police Video Imaging Unit who was sent into the riot to film offenders and gather evidence. This officer had not received any training in crowd and riot situations, nor was there sufficient riot equipment for him to use on the day. As a result, he wore a construction hard hat and required protection from five members of the OSG, thus stretching further already limited resources.

Other issues identified amongst specialist units included cross training of OSG and Police Dog units, which ceased in 1999. As a result, when Police Dogs were deployed to the Macquarie Fields riots, OSG operatives and dog handlers had little knowledge of each other's capabilities or tactics.

Logistics and Resources

There was intelligence to suggest that some offenders may have armed themselves with firearms, but the number of bullet resistant vests available were insufficient for the number of officers deployed. The vests that were available were found by officers to be extremely heavy and have been known to cause back and hip pain when worn for extended periods of time.

A most serious concern for officers deployed in the front line during the Macquarie Fields riots related to the insufficient numbers of crowd and riot equipment, which was available for use. Large numbers of the equipment deployed were obsolete and should have been removed from service 12 months prior, as recognised during the Redfern riots. This equipment, which is not suitable for use with petrol bombs, was deployed to the scene of the riots and was used by numerous officers.

(Although this list is not exhaustive, the Police Association's recommended personal issue kit for OSG operatives is listed in Annexure "A" of this submission and contains a full list of personal issue equipment for OSG operatives that meet OHS requirements).

Crowd and riot equipment used for training purposes from Greater Metro Region, Northern and Southern Regions, that should never have been used in an operational environment, was deployed and used at the scene of the riots. Riot helmets of the correct size were not available for all OSG officers on the scene and police were forced to hand their smelly, sweat-filled helmets to the next Police officer to attend the front line.

Another problem related to the fact that there was no designated equipment officer as per OSG Standard Operating Procedure (SOP) leading to a large number of the equipment being misplaced. For example, since the conclusion of the riot, one OSG unit has misplaced 28 sets of riot equipment, which was presumably taken by other units.

There was not enough water and food for police officers on the first two nights of the operation. Water carrying devices such as Camelbacks are not routinely issued to OSG and other specialist police. This led to a number of officers suffering from the effects of dehydration. There was also insufficient lighting used on scene to allow officers to see missiles being thrown at them.

Yet another problem faced by officers deployed at the riots concerned the issue of fire retardant overalls. OSG officers are issued with one pair of fire retardant overalls. This is inadequate considering some officers were deployed at the scene for over seven days. Some OSG officers deployed to the scene did not have fire retardant overalls as the local area management had refused to purchase them due to budget constraints. Dog Squad officers were deployed to the scene in highly flammable overalls, as they are not issued with fire retardant ones. The lack of fire fighting equipment on hand was also seriously lacking, which forced Police to source fire extinguishers from the NSW Fire Brigade.

The services of the Police Mapping Unit were not utilised and as a result, OSG teams had little understanding of the area's layout. On day four of the riots, the Police

command post was still using an A4-sized map of the location taken from a street directory.

Another issue that deserves consideration relates to the role of trained investigators. There are two distinctive roles in managing a civil disturbance. The first role is somewhat obvious and involves the OSG gaining control of the event. The second role involves identifying suspects and offences and gathering evidence, and should be done by trained investigators. Both roles should be performed in concert and according to both units' limitations.

Investigators attached to 'Strike Force Loudon' (which was established as a result of the Macquarie Fields riots) encountered a number of difficulties on conducting their investigations. The difficulties they faced was due to the fact that there was no Standard Operating Procedures (SOPS) formulated for the investigation of civil disturbances; a delay in the commencement of investigation; inconsistency in arrests, charging and bail of suspects and lastly, evidence gathering.

Once a civil disturbance is recognised as such and the OSG unit is deployed, a specialist investigation team trained in civil disturbance investigations should be immediately deployed. The investigation's team leader should take part in the decision making process regarding the arrest of those involved. The persons arrested by OSG Police would then be handed to the investigators for processing. Once the civil disturbance was quelled, investigators and OSG police would then immediately conduct search warrants to gather evidence such as clothing, and arrest those suspects identified.

This would remove undue pressure from OSG and Vikings Police tasked with controlling a civil disturbance from having to detect offences, gather evidence and consider legal difficulties with prosecuting suspects. This would also ensure efficiency and consistency in the arrests, charging process and bail of those involved.

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Welfare

A number of equally serious welfare issues were also identified. Officers involved in the critical incident (the initial fatal crash) had their mobile phones removed, which denied their families from having immediate access to them for the purpose of checking on their welfare. These officers were also prevented from making any contact with their families to let them know that they were alright and what was happening. They were detained for nine hours while the critical investigations team was formed and blood and alcohol tests completed.

The number of officers at the scene was insufficient to allow the rotation of officers away from the front line to a stand down area. A stand down area is normally provided to officers as a place where they can have a short break to rest, have a cold drink, cup of coffee etc. At the Macquarie Fields incident, there was no stand down area away from public view, with the designated area being a public car park, which was obviously totally unacceptable.

The command post was unable to track the name, rank and qualifications of officers who were at the location, on the way to, or who had left the scene of the riot at any time. Hence they had no way of knowing which of the officers was OSG trained, which of these had their certification up to date etc. Records of injuries were also not kept. Other welfare concerns related to the fact that visiting police were required to travel long distances from their station, for instance Newcastle or Nowra, to Macquarie Fields and return in the same shift. Nor was there sufficient food or water supplied to front line police officers on the first two days of the riots.

The Association believes that the use of police chaplains and the Police Welfare/Psychology Branch could have been better co-ordinated. Critical incident debriefs were few and far between with no follow up of officers' psychological welfare after the riot due to no one knowing exactly who had attended.

Recommendations from PANSW Submission to 'Strike Force Coburn' (Redfern)

Below is a list consisting of the Association's eleven recommendations as contained in its submission to Strike Force Coburn following the Redfern riots. An update relating to the status of implementation of these recommendations by NSW Police to date has also been included.

- 1. The Association recommends the establishment of a permanent full-time OSG unit to provide operational support on a 24-hour basis to Local Area Commands and Regions in situations falling within the charter of the OSG.***

Update:

In the Association's submission to 'Strike Force Coburn', the Association had recommended the establishment of a permanent full-time OSG unit with a staff consisting of 103 police officers.

On 1 September 2005, the NSW Government announced it would establish a dedicated Public Order and Riot Squad (PORS), consisting of a staff of approximately 45 police officers, to deal with hot spots like Redfern and Macquarie Fields. This is less than half the number originally suggested by the Association.

It is ministerial commitment to see the establishment of PORS occur on 1 January 2006 and NSW Police is currently in the processing of developing the unit. PORS is to consist of permanent full-time OSG members available on a 24-hour basis to provide operational support to Local Area Commands and Regions in situations developing from incidents such as the riots of Redfern and Macquarie Fields.

- 2. The Association recommends the continued maintenance of part-time OSG to support the full-time unit on a needs basis.***

Update:

The establishment of PORS will see the continued maintenance of part time OSG to support the full time unit on a needs basis.

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3. ***The Association recommends that the full time OSG unit be strategically placed in the Sydney CBD area and that the part time OSG be LAC based for metropolitan and country areas.***

Update:

NSW Police has yet to have determined where the full time Riot Squad will be permanently based. The Department of Commerce is currently costing possible locations in consultation with the PORS Commander.

4. ***The Association recommends that the permanent full time OSG unit be attached to DCOP for funding; infrastructure and permanent management are already in existence.***

Update:

PORS will be attached to the Counter Terrorism Co-ordination Command under Assistant Commissioner Norm Hazzard through to Deputy Commissioner Support Terry Collins.

5. ***The Association recommends that risk analysis be conducted for all LACs across NSW in order to determine the level of OSG operatives required.***

Update:

The recommendation that risk analysis be conducted for all LACs across NSW was not implemented prior to the Macquarie Fields incident. This was evident by the fact that at the time of the riots, Commanders across the state were unable to quickly establish how many OSG personnel were working at any one time. This recommendation has only recently been endorsed through the Commissioner's Executive Team (CET). A standardised risk assessment template specific to public order has apparently been disseminated to all LACs, though the Association is yet to have sighted the template. Regions have been given the responsibility for monitoring the outcomes and resourcing appropriately. Outcomes are then monitored by the OSGCC as a standing agenda item and recorded on the OSG matrix to give a state-wide perspective.

6. ***The Association recommends the standardisation of all OSG equipment and the immediate replacement of poorly conditioned or outdated equipment.***

Update:

Once the unit is established, the Commander of PORS will be conducting a full audit of state-wide resources and will be liaising with Region Commanders as to their specific needs. Overall, the outdated equipment used in the Redfern riots has been decommissioned. Long shields are in the process of being tested and evaluated whilst riot vests have been purchased and are to be trialled in training and in operations in consultation with Vikings.

7. ***The Association recommends that the permanent full time OSG unit change current call-out procedures in order to similarly reflect SPG procedures (but at the local level) with the duty officer consulting with the DOI.***

Update:

A proposal of the PORS Commander will be to adopt the recommendation as outlined above to reflect OSG call out procedures.

8. ***The Association recommends that all front line police working at the Redfern LAC be immediately trained in the use of riot equipment and in crowd and riot control techniques.***

Update:

This recommendation has been implemented and is ongoing, with monitoring to continue through the POMC.

As at June 2005, 365 officers from Redfern, Newtown, Surry Hills, Kings Cross, Leichhardt, Botany Bay, Eastern Beaches and City Central received one day Public Order Management training. Included in this number are 130 officers from Redfern LAC who have completed the training.

9. ***The Association recommends that OSG training be standardised and maintained Service-wide and that the delivery of all OSG training be the responsibility of qualified OSG trainers under the monitoring of OSTU.***

Update:

The issue of training is still ongoing. There are a number of outstanding issues that the Association has raised. There is however, a proposal by the PORS Commander to establish a state OSG training capability within the PORS Command in consultation with OSTU.

10. ***The Association recommends that training be provided to police leaders in public order management to improve awareness.***

Update:

Emergency Management training for commissioned officers has been implemented and is ongoing, with monitoring to continue through POMC.

In relation to the POM Commanders Course, Inner Metropolitan Region has a combination of 41 Local Area Commanders and Duty Officers who have attended this training. There are 5 Commanders remaining from Botany Bay, North Shore, St George, Sutherland and Rose Bay.

Additionally, a working group chaired by Acting Commissioner Hazzard had developed the NSW Police Incident Command and Control System (ICCS), which includes Planning, Operations, Logistics, Investigations, Intelligence and Media. ICCS has now been endorsed by Commissioner's Executive Team (CET) and now forms part of the Commander Training for both IEM and Public Order.

11. ***The Association recommends that commitment to training be a requirement of all Region Commanders and hence be made part of their performance agreements in the form of a clause.***

Update:

In addition to the training information supplied regarding the above recommendation, the Superintendent Development Program is currently an agenda item on the Public Order Management Committee (POMC) on which the PANSW has representation.

Training has yet to have been made part of Region Commanders' performance agreements in the form of a clause.

To date, the majority of the Association's recommendations regarding Coburn have been met, or are currently in the process of being met. Generally, NSW Police has overlooked none of the recommendations as made by the Association.

PANSW Recommendations Regarding Macquarie Fields Public Disorder

Below is a list of the 11 recommendations as contained in the Association's original report regarding Macquarie Fields Public Disorder, as submitted to NSW Police. Contained is an update pertaining to the status of the implementation of these recommendations.

- 1. The establishment of a permanent full-time OSG unit to provide operational support on a 24-hour basis to Local Area Commands and Regions in situations falling within the charter of the OSG. There should be a suitably qualified OSG Superintendent in command.***

Update:

As noted previously in this submission, on 1 September 2005, the NSW Government announced it would establish a dedicated Public Order and Riot Squad (PORS) to deal with hot spots like Redfern and Macquarie Fields. It is ministerial commitment to see the establishment of PORS occur on 1 January 2006 and NSW Police is currently in the processing of developing the unit. PORS is to consist of permanent full-time OSG members available on a 24-hour basis to provide operational support to Local Area Commands and Regions in situations developing from incidents such as the riots of Redfern and Macquarie Fields.

- 2. The continued maintenance of part-time OSG to support the full-time unit on a needs basis.***

Update:

As also noted previously in this submission, the establishment of PORS will see the continued maintenance of part time OSG to support the full time unit on a needs basis. This has always been the case as part-time OSG form the core of OSG trained personnel within NSW Police.

- 3. Commanders and Duty Officers should receive frequent up to date training in emergency management procedures.***

Update:

The status of this recommendation is currently unknown as to whether Commanders and Duty Officers will be provided with frequent up to date training in emergency management procedures.

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4. ***Systems should be put in place so that Commanders and Duty Officers can quickly establish the location and number of OSG operatives on duty across the state at any one time.***

Update:

The status of this recommendation is currently unknown as to whether or not systems will be put in place so that Commanders and Duty Officers can quickly establish the location and number of OSG operatives on duty across the state at any one time.

5. ***A logistical support unit should be created to provide Commanders with such expertise as required.***

Update:

The Police Service has compiled a list of senior qualified officers with the necessary skills to perform the role of a logistical support unit at the time of riots, but whether or not the Police Service is able to put the unit together in a timely manner is not known. The Association is also unsure as to once PORS is established, whether or not they plan to create a logistical support unit, as the planned structure of PORS is currently unknown.

6. ***Obsolete crowd and riot equipment should be removed from service immediately.***

Update:

The recommendation to immediately remove from service any obsolete crowd and riot equipment has been implemented.

7. ***All OSG operatives should be provided with a standard issue riot kit consistent with modern OH&S practices.***

Update:

The recommendation that all OSG operatives should be provided with a standard issue riot kit consistent with modern OH&S practices is currently outstanding.

8. ***A review should be undertaken of current OSG training to integrate other specialist sections such as the police dog squad.***

Update:

According to OSTU, courses are currently under development with regard to the integration of specialist sections such as the police dog squad and mounted police section. Also to be included is training in regards to the use of fire bombs and petrol bombs. These courses are currently under development with the view of being implemented in 2006.

- 9. *An immediate review should be undertaken of the equipment issued to police dog handlers to ensure it meets their needs during crowd and riot incidents.***

Update:

The Commander of the Dog Unit is currently preparing a submission to PORS, which in conjunction with the Commander of PORS, will determine the operational deployment for dog handlers in public order incidents. Once Standard Operating Procedures (SOPs) are developed, then the required equipment, training and accreditation for all dog handlers can also be determined.

- 10. *A suitable lighting vehicle for Crowd and Riot purposes should be sourced and purchased as a matter of priority.***

Update:

The Police Rescue and Bomb Disposal Section is in the process of looking at possible solutions to provide 'Rescue 9' (the police lighting vehicle) with the capabilities to respond to crowd and riot situations in the future. The implementation of this recommendation is currently ongoing.

- 11. *Purchase sufficient amounts of extra Riot equipment including Bullet Resistant Vests so that a reserve store can be established at the purchasing and supply branch for rapid deployment as required.***

Update:

The Association understands that there is an amount of extra crowd and riot equipment at the Purchasing and Supply Branch. As to how many in numbers the extra riot equipment consists of however, is information that is currently unknown.

Annexure 'A'

Although this list is not exhaustive, the Police Association's recommended personal issue kit for OSG operatives is listed below and contains a full list of personal issue equipment for OSG operatives that meet OHS requirements.

All personal issue

- 1 Argus helmet – 2 x face shields 1 for operational use and 1 for training
- 1 Earpiece for portable radio
- 1 set of leggings
- 1 set of arm guards
- 1 groin protector
- 1 riot vest
- 1 flame retardant hood to protect front of neck
- 2 litre Camelback style police specifications water carrier
- 2 Proban overalls
- 2 specialist overalls
- 1 baseball cap (separate to general issue)
- 1 pair riot gloves
- 1 pair rigger search gloves
- 1 kit bag
- 1 gas mask CBR kit (if qualified)
- 1 pair eye protection goggles (i.e. Bolle style troop safety glasses)
- Steel capped or reinforced boots (to protect from toe injuries from missiles)
- Training equipment (similar to that issued to Weapons Instructors) i.e.:
 - Joggers High performance
 - T-shirts athletic
 - Shorts athletic
 - Socks athletic
 - Track suit