



UNIFORMED OPERATIONS BUSINESS AREA

Dear Home Secretary,

1. Introduction

Thank you for your letter of 15th July requesting further information in respect of the use of water cannon in England and Wales. In response, I have included a brief overview setting out the fundamental use of force principles and the inclusion of water cannon as a tactical option.

In consultation with senior colleagues within the Metropolitan Police Service (MPS), I have then set out a response to each of the specific protests outlined in page 1 of your letter, and in the short time frame allowed, I have also responded to the specific questions set out on page 2 of the letter.

2. Overview of Use of Force Principles

The Home Office, ACPO and the College of Policing have adopted a fundamental set of ten principles governing the use of force which provide the touchstone for all police officers, inform all areas of policing and are fully integrated into policing codes of practise, policy documents, guidance manuals and training programmes.

In addition, the tests of balance, necessity, proportionality and the minimum use of force govern all police action, therefore ensuring that the force used by the police in tackling disorder is commensurate with what is needed to protect the public.

In the report 'Rules of Engagement' Her Majesty's Inspectorate of Constabulary (HMIC)¹ considered the use of water cannon in the following circumstances:

- Where barricades are built and missiles are being thrown.
- Where petrol bombs are being thrown.
- Where violent attacks on the public are taking place in the presence of police officers.
- Where buildings are being subjected to arson attacks.
- Where there are threats to fire and ambulance personnel.

It did not consider violent attacks on the police.

¹ HMIC report (Dec 2011) The Rules of engagement: A review of the August 2011 disorders

Some of the benefits of the Water Cannon are:

- It allows a graduated response to emerging threats.
- It has the potential to keep crowds at a distance.
- It has the potential to support police cordons.
- It assists in the dispersal of groups.
- It demonstrates that force is about to be / may be used.
- It provides a platform whereby evidence and intelligence can be gathered and from which information can be communicated.

As highlighted in the College of Policing Module E4 document, it is proposed that authority for use of water cannon will be *“when conventional methods of policing have been tried and failed or, because of the circumstances, are unlikely to succeed if tried or in situations of serious public disorder where there is the potential for loss of life, serious injury or widespread destruction and whether such action is likely to reduce that risk”*²

Some of the considerations prior to use of the water cannon are:

- The impact on the community.
- The interpretation by the media and the impact thereafter.
- The availability of suitably trained resources to command, operate and protect the water cannon.
- The manoeuvrability of the vehicle and its intended working environment.
- The protection and availability of refill sites.
- The giving and recording of warning messages prior to use.

A unique characteristic of water cannon is the ability to graduate the delivery of water at varying pressures. Thus water cannon provide a flexible application of force that may be considered appropriate in a variety of situations where existing conventional tactical options have failed or are likely to fail. Protecting certain vulnerable premises may feature, for example if protest groups break through police lines and gain access into a building that is of strategic importance.

As with any use of force there is a potential for injuries. In respect of water cannon the following potential injuries have been identified and are outlined in further detail in The Scientific Advisory Committee on the Medical Implications of Less Lethal weapons (SACMILL)³ report:

- Direct injury from water jet.
- Running, tripping or falling when trying to evade water cannon.
- Being pushed onto objects by the force of the jets.
- Being knocked off walls or other high positions.
- Secondary missiles being propelled from the ground or dislodged from buildings or other structures.

Finally, the risk to those not engaged in disorder can be mitigated in a number of ways by ensuring that water cannon crews are thoroughly trained, that expert tactical advice is always provided and that the decision making of commanders is continually audited, scrutinised and justified. Furthermore, a robust communication process

² Page 23, point 4.2 College of Policing National Police Public Order Training Curriculum Module E4 – Water Cannon in Public Order

³ Scientific Advisory Committee on the Medical Implications of Less Lethal weapons (SACMILL) report submitted 20.3.14. Update letter sent to Home Secretary 27.6.14

promoting a 'no surprises' ethos to explain the use of the tactic in certain circumstances or locations would always be considered if operationally feasible.

3. Key Public Order Events

I shall now address each of the protest scenarios highlighted in your letter:-

3.1 Countryside Alliance Protest (2004)

The protests in 2002 (specified in your letter) were well attended but were peaceful in nature and therefore the use of water cannon at this protest would not have been appropriate. However, the Countryside Alliance protests of 2004 saw a significant degree of disorder during which barriers at the Palace of Westminster were removed and thrown at officers. A significant degree of force was required to be used by officers at the Palace of Westminster to prevent ingress into the building whilst Parliament was sitting. This force necessitated baton strikes and as a consequence, both protestors and officers sustained significant injuries.

Water cannon in this circumstance would not have stopped the disorder entirely but as conventional tactics had already been deployed and further tactical options were not available, its appropriate use could have reduced the disorder and created space between the protestors and the police lines, reducing the necessity to utilise baton strikes and thus reduce the number of injuries. Given that the area had sufficient open space into which people could evacuate, water cannon could also have been utilised to move protestors away from key buildings that they were attempting to attack, thus preventing further damage to property.

It was clear that the seat of Government was under attack on that day and that there was no option of evacuating the building. The use of Attenuated Energy Projectiles (AEP or 'baton rounds') was therefore considered by commanders on the day but not utilised as the space between the protestors and the buildings was extremely narrow, making the deployment of AEP operationally limited. The threat levels were not considered high enough to warrant the use of firearms and the use of both CS irritant and Taser in public order policing are not utilised as viable tactical options throughout the United Kingdom.

The levels of authorisation for water cannon are outlined in the College of Policing Module 4 document and the MPS Standard Operating Procedure (SOP) document previously supplied⁴. Within provincial Forces, the authority rests at the rank of Assistant Chief Constable and within the MPS it rests at the rank of Assistant Commissioner.

The deployment of water cannon would not have been undertaken as part of any pre planning phase as intelligence did not exist prior to the protests that would have justified this decision. However, the deployment and use of water cannon would have been considered when shield and baton strikes were being used on protestors and as a consequence, protestors were sustaining injuries as a result of baton strikes and officers were sustaining injuries as part of the wider serious disorder.

The Metropolitan Police Service's Standard Operating Procedure states that prior to authorising the use of water cannon, a Silver (commander) must be satisfied that

⁴ Page 23 point 4.3 College of Policing National Police Public Order Training Curriculum Module E4 – Water Cannon in Public Order & Page 7 point 4.1 – Metropolitan Police Service (MPS) Standard Operating Procedure for the operational use and training in water cannon (Wasserwerfer WAWe9)

conventional methods of policing have been tried and failed or, because of the circumstances are unlikely to succeed if tried in situations of serious public disorder, where there is the potential for loss of life or where widespread destruction is likely.⁵

Such use would have been proportionate to the escalation in violence and would have been both less injurious and more effective in moving the crowd back from the police lines protecting the Palace of Westminster and thus could have been justified at such a point in time.

3.2 G20 Protests in London (2009)

This event consisted of a number of different marches coming together in the City. Various peaceful sit down protests then took place across the City although a large mobile group intent on causing serious disorder was present and attempted to infiltrate and influence the more moderate groups into violent protest.

During this event, water cannon would not have stopped the disorder entirely and would not have been utilised because conventional public order policing tactics worked on the day. The physical geography and narrow streets in the area, the significant amount of street debris already present⁶ and the close proximity of others not associated with the protests would also have been contributing factors in the decision making not to use water cannon.

Other tactics were also used effectively on the day including containment and the use of dogs and horses.

3.3 Israeli Embassy protest (2009)

In protecting the integrity of the Israeli Embassy, a sterile area was created by way of barrier lines to distance crowds away from police cordons, therefore minimising any recourse to the use of force. Despite the graduated response by police, on a number of occasions the barriers were dismantled by protestors and thrown at police lines in an attempt to breach the police cordon and gain access to the Embassy.

On one occasion, over many hours, officers holding the cordons were repeatedly attacked and the barrier configuration thrown at the police. Significant levels of force were utilised including baton strikes and as conventional tactics were failing, officers had to use a higher degree of force with the edge of shields to prevent a breach of the cordon. As a consequence, significant injuries were sustained by both protestors who were sustaining injuries as a result of baton strikes, and officers who were sustaining injuries as a result of the violence exhibited towards them.

Water cannon would therefore have been effective at this location and whilst it would not have stopped disorder entirely it would have been utilised to create space between the protestors and cordon lines and offered an effective and less injurious option to commanders, reducing the requirement to utilise a greater degree of force. It could therefore have significantly reduced the disorder given that it was in a relatively small geographical area.

⁵ Page 7 point 4.3 – Metropolitan Police Service (MPS) Standard Operating Procedure for the operational use and training in water cannon (Wasserwerfer WAWe9)

⁶ Page 29 - College of Policing National Police Public Order Training Curriculum Module E4 – Water Cannon in Public Order. Debris may become energised if water cannon are utilised and thus, secondary injuries may be sustained as a result.

It is likely that the decision to utilise water cannon would have been made at the point at which officers were utilising high degrees of force such as baton strikes and shield edge tactics to prevent the cordons being breached and protestors entering the embassy.

3.4 Student protests (2010)

Significant disorder took place at Milbank on the 24th November where a small number of officers were outnumbered and a large crowd of protestors broke into the building, causing significant damage. Despite the building being entered, additional police resources utilising conventional policing methods did manage to effectively control the protestors outside the building. It is therefore very unlikely that water cannon would have been utilised in this particular circumstance as conventional methods were effective in dealing with the protestors.

Further protests also took place on the 30th November at Whitehall when a large containment operation was put in place to prevent violent protestors from infiltrating a reasonably peaceful separate protest, and again on the 9th December at the Treasury. In both circumstances, whilst serious disorder was prevented utilising conventional policing methods, the challenging environment meant that both protestors and officers were injured.

Had the nature and level of injury continued to escalate, water cannon may have become a viable tactic although circumstances meant that commanders would have had to consider use of the option carefully due to the particularly cold weather and the vulnerability of the predominantly young crowd.

It was generally considered that conventional policing methods utilised throughout the student protests worked effectively and the use of water cannon would not have been necessary.

3.5 Disorder in summer 2011

As I am aware that you have written to those Chief Constables whose forces were affected by the 2011 disorders, I have restricted my response to the challenges faced by MPS in London.

The use of water cannon within the Capital would not have stopped the rioting entirely as the disorder was sporadic and widespread across many boroughs over a considerable number of days. Its use on the first evening of disorder in Tottenham could however, have set the tone for the Capital, dampened the enthusiasm for confrontation and potentially reduced disorder in other Boroughs across London. It may also have been utilised for clearing areas of rioters to allow the Fire & Rescue services to deal more quickly with fires, thus reducing damage to property overall.

Resources were under significant pressure during the first days of the disorder and therefore water cannon could potentially have been utilised where Police Support Units (PSUs) were too few in number and conventional public order tactics (requiring a greater number of officers) were failing.

The point at which water cannon would have been used would likely to have been when significant damage to property was being reported and levels of police resource at the time were unable to prevent. At such point, a significant number of officers were also being injured whilst attempting to protect property from rioters.

In London, AEP was considered and made available but not used. All alternative conventional tactics such as dogs, horses and vehicle tactics were utilised to varying degrees across the United Kingdom.

3.6 Carnival against Capitalism (1999)

This was a significant gathering of anti capitalist protestors culminating in a number of marches coming together. Violence was directed at police lines as officers attempted to prevent unlawful trespass into key buildings within the City of London.

Tactical options including dogs, horses and vehicles were used during this event; however Police use of conventional tactics failed to bring the disorder under control quickly and increased levels of force were required to protect strategically important buildings. Officers were injured as a result of the violence offered and baton strikes were used, causing injuries to protestors. There is clear evidence of Police lines coming under sustained attack with building bricks

In such circumstances, water cannon would have been considered as a potential tactical option in order to create space between protestors and police lines. The creation of such space would in turn have necessitated less force being used in order that the tactical objectives could be achieved and therefore, the number of protestors and officers injured could have been reduced.

All tactical options were utilised during this event including dogs, horses and vehicle tactics but increased levels of force were required in order that strategically important buildings were protected. Officers were injured as a result of the violence offered by the most violent protestors and baton strikes were used, causing injuries to protestors.

In such circumstances, water cannon would have been considered as a potential tactical option in order to create space between protestors and police lines. The creation of such space would in turn have necessitated less force being used in order that the tactical objectives could be achieved and therefore, the number of protestors and officers injured could have been reduced.

4. Water Cannon Deployment - Implications

How would water cannon be used alongside other public order tactics?

Water cannon would be deployed alongside conventional Police Support Units (PSU)⁷ and a range of other tactical options such as dogs, horses, AEP and potentially firearms. However, their use would be unlikely to be at the same time as any of these other options. Operationally, other tactics might be deployed before or after the use of water cannon but their joint use would be unlikely.

What are the implications for specialist training of officers and staff?

It is estimated that there would be a week long training course for an initial cadre of 10 – 15 specially selected water cannon officers. This training would enable the Metropolitan Police Service (MPS) to deploy the three existing water cannon operationally. In total, it is estimated that approximately 25 officers would require initial training, followed by annual refresher training to ensure officers remain qualified and up to date in the deployment and use of water cannon. No police staff would be trained in the use of water cannon.

⁷ PSU = 1 x Inspector, 3 x sergeants and 21 x Constables deployed in 3 PSU carriers

PSU officers who would be working alongside the water cannon would receive a condensed input as part of their normal PSU training and re-accreditation schedule.

How many officers would be needed to protect the water cannon and in what formations?

Water cannon would normally be deployed in company with one Police Support Unit which would be in addition to that required to deliver conventional public order tactics. As such, it would be unlikely that the use of water cannon could be considered as a replacement for PSUs and thus, no cost savings could be anticipated as a result of the use of water cannon other than a potential cessation in the violence at an earlier juncture than might necessarily have been the case.

Existing PSU tactics would be utilised with the specific formations as outlined in the College of Policing document and the MPS SOP previously supplied⁸.

How would the use of water cannon affect the deployment of your officers both in terms of the specific public order threat and the wider policing of the community?

The use of water cannon as demonstrated in Northern Ireland allows commanders to utilise the tactic to create space between protestors and officers which then in turn allows alternative deployments to be considered. Other conventional public order methods such as vehicle tactics, horses or dogs could also be deployed but often utilise a greater degree of force and are potentially more injurious than water cannon.

The creation of space within a public order situation delivers a level of protection for both protestors and officers, and potentially reduces the risk of injuries by reducing the necessity to utilise a greater degree of force.

As with any significant public order operation, engagement with communities that are impacted upon will always take place prior to, during and after where operationally feasible.

5. The Northern Ireland and Foreign Force Perspective

What are the scenarios in which water cannon have been used in other jurisdictions, to what effect and at what cost?

Internationally, the use of water cannon is an embedded police tactic. The threshold of use is generally lower than that proposed within England and Wales with authority levels, accompanying tactics and safeguards all varying significantly from country to country. In general, it is felt amongst UK based public order specialists that water cannon are used more frequently and for lower threat levels than would be considered in England and Wales. This observation is evidenced in Northern Ireland where strict rules in respect of deployment and use are adhered to and would be replicated in England and Wales.

In the time limits available, it has not been possible to undertake the work to ascertain the costs involved in other jurisdictions.

⁸ Pages 32 – 41 College of Policing National Police Public Order Training Curriculum Module E4 – Water Cannon in Public Order & Pages 29 - 44 Metropolitan Police Service (MPS) Standard Operating Procedure for the operational use and training in water cannon (Wasserwerfer WAWe9)

Is the type of disorder in which water cannon are deployed in these jurisdictions comparable to our own experience of disorder? Are they (water cannon) more useful in dealing with demonstrations that become disorderly or is there evidence of their use in tackling spontaneous outbreaks of disorder and lawlessness?

With different policing structures, laws and cultures, the threshold for use of water cannon across Europe and further afield, is often lower than that which is proposed for England and Wales. The 'look and feel' of public order policing in the UK, influenced primarily by the British model of policing is also significantly different from other International jurisdictions and therefore it is complex to compare use of water cannon abroad with that which is proposed in England and Wales.

Meaningful comparisons can therefore only be made with water cannon use in Northern Ireland, from where a majority of the already identified good practice in respect of deployment and use has been taken. Anecdotal evidence from Northern Ireland suggests that residents would always rather see commanders utilise water cannon in preference to AEP and have openly expressed such views to the Police Service of Northern Ireland during post incident community consultation exercises.

In pre-planned situations where there is substantial intelligence that significant disorder is planned, commanders may take into consideration the availability of water cannon. Operational planning would include considerations as to the siting of the water cannon in a holding area, balancing the need for rapid deployment to the seat of any disorder whilst ensuring that any holding area was sufficiently discreet so as not to raise concerns or tension.

Water cannon can be utilised in response to spontaneous disorder but their time to mobilise may impact on the operational effectiveness of the tactic. In all cases, water cannon would be a tactical option that would be considered once other conventional public order tactics had been tried and had failed and therefore it is likely that the mobilisation of water cannon in response to an outbreak of disorder could be accommodated in a suitable time period as the protest or unrest developed.

Have there been specific public order events elsewhere that are of particular relevance to the use of water cannon in England and Wales?

Given the very different operating practices, laws and cultures within other parts of the world, comparisons other than with water cannon use in Northern Ireland would be complex to draw and thus, potentially inaccurate. However, the use of water cannon in Northern Ireland has proved an effective tactical option and over the years has allowed Police Service of Northern Ireland (PSNI) commanders to safely and effectively manage serious disorder associated with the marching season.

Use of water cannon in Northern Ireland is therefore well established and culturally accepted amongst the communities. Through operational use and extensive community engagement, good practice and learning has further matured the approach that is used in Northern Ireland and this has formed the basis upon which future training, deployment and use in England and Wales would be based.

To what extent do those countries in which the use of water cannon is authorised have differing legal and policing traditions to England and Wales and what are the implications for the applicability of water cannon here?

As previously mentioned, with the exception of Northern Ireland, the use of water cannon in other countries is governed by very different laws, processes and decision making models to that in England and Wales.

Thresholds for deployment and use are also significantly different and are often lower and less strictly defined than those proposed for England and Wales.

It is also common that water cannon is more culturally accepted, particularly where countries have a two tier system of law enforcement which includes an element of military involvement such as in Germany and France.

In the United Kingdom, the traditional British model of policing determines that a strictly enforced set of principles and processes need to be followed and thus deployment and use will be likely to be governed by a significantly different set of rules to that of any other jurisdiction.

The proposals for the deployment and use of water cannon in England and Wales are based on the principles already in use in Northern Ireland and therefore, the implications for the applicability of water cannon remain similar to those encountered by the PSNI.

6. Conclusion

I hope the additional information provided in this letter has answered your queries and is sufficient to enable you to make the decision. I appreciate the complexities and sensitivities associated with this decision and I stand ready to support you further in any way I can.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Shaw', with a small dot at the end.

**David Shaw
Chief Constable.**