

| Title:<br><br><b>Water Cannon</b><br><br><b>Use of water cannon by police in relation to spontaneous disorder incidents and planned public order operations</b> | Impact Assessment |   |
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|   | Date              | 14.03.14  |
|   | Owner             | Chief Constable David Shaw                      |
|   | Lead Dept.        | National Conflict Management Policing Portfolio |
|   | Version           | 3.0   |
|   | Review date       | 14.03.15  |
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| Identified Impact   | Potential Issues Identified   | Mitigating Factors / Actions   |
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| Potential impact on policing of local communities and other groups. | <ul style="list-style-type: none"> <li>Impact on local community relations following water cannon deployment.</li> <li>Impact on specific community groups following water cannon deployment.</li> <li>Impact on specific groups with protected characteristics (as defined by the Equality Act 2010).</li> </ul>   | <ul style="list-style-type: none"> <li>Gold and Silver Public Order Commanders are subject to a national training and accreditation process. The National Decision Model underpins all aspects of this training. The principles of public order command centre on balancing the rights and freedoms detailed within ECHR and ensuring that any policing response is proportionate. The need for proportionality when force is used by police officers is clearly defined in legislation. Public bodies and processes exist to hold the police to account for their actions.</li> <li>Current public order policing is based on a 'no surprises' ethos and commanders must, wherever practicable, build communication / engagement plans into their planning considerations. The use of mediators, negotiators and protest liaison officers is commonplace in public order policing. Public order commanders must assess the impact of the available public order tactics when considering the response to disorder. Public order commanders must have due regard for the needs of groups and individuals involved in disorder when considering tactical options.</li> <li>The Police Service has new mechanisms for monitoring and assessing community tension. These were implemented in June 2013 and each force has a SPOC and process based on the National Intelligence Model (NIM) principles. Nationally the National Domestic Extremism and Disorder Intelligence Unit (NDEDIU) assesses the strategic domestic extremism and public disorder threats.</li> <li>National guidelines exist in relation to ongoing and post-incident monitoring of community impact / tension. Community Impact Assessment processes are well-practiced in all forces. Community consultation mechanisms and Independent Advisory Groups exist within all forces and will be used to understand equality considerations.</li> <li>Police and Crime Commissioners and MOPAC are represented on the project board. PCC's provide an alternative invaluable mechanism for engaging with communities and will form part of the community engagement process following any decision to approve water cannon for use in England and Wales.</li> </ul>  |
| Reputational harm to policing image.                                | <ul style="list-style-type: none"> <li>Harm caused to the overall reputation of the Police Service by the introduction of water cannon as an available tactic for use in public order situations.</li> <li>Harm caused to the overall reputation of the Police Service by the lack of availability of water cannon as a tactical option in relation to serious disorder.</li> <li>Harm caused to individual force reputation following the deployment of water cannon.</li> <li>Lack of authorisation from Government.</li> </ul> | <ul style="list-style-type: none"> <li>The validity of water cannon as a tactic is recognised within Sir Dennis O'Connor's HMIC report entitled 'Rules of Engagement' and the Metropolitan Police report commissioned after the 2011 summer disorder entitled 'Four Days in August'.</li> <li>Water cannon is widely used in Europe and has been authorised for deployment in Northern Ireland since 1999. The current PSNI water cannon were authorised for use in 2004 and are used frequently as part of the wider response to disorder.</li> <li>Approval to form a project board was given by the Home Office Less Lethal Technology and Systems Strategic Board. The Home Office is represented on the project board together with CAST, ACPO, College of Policing, MPS, PSNI, Police Scotland, MOPAC and the APCC. Regular updates are provided to Ministers by the Home Office.</li> <li>A formal project board is overseeing the process for examining the case for water cannon. This board forms part of a wider review of the police response to public order. The associated national public order framework (including water cannon) has been the subject of discussion with key strategic stakeholders and the wider police community. The issue of water cannon was discussed at ACPO Chief Constables' Council and support for the project was endorsed accordingly. Water cannon will feature as part of the communication strategy associated with the wider public order framework and Chief Constables will be asked to determine the level of engagement required with their respective communities.</li> <li>Consultation has taken place with MOPAC and the APCC and both bodies are represented on the water cannon project board. MOPAC has carried out a process of public and other stakeholder engagement in early 2014 to understand views on water cannon. PCC's have been briefed at key stages in the water cannon project.</li> <li>Press interest suggests public opinion in relation to water cannon is mixed. A 2012 Yougov survey (14/3/12) suggested that 90% of respondents were in favour of water cannon. A survey in early 2014 suggests that 68% of respondents were in favour of water cannon (MOPAC survey 2014).</li> <li>The communication strategy specific to water cannon will emphasise its role as a less lethal option and be specific around the lower level of force that it presents compared to other established tactics.</li> <li>Water cannon is a tactical option for use in incidents of serious disorder (Disorder Model). Events of August 2011 demonstrate that the public expect the police to respond positively to serious disorder. Purchase of previously owned water cannon from Germany is proposed to ensure the tactic is available for deployment prior to procurement of any long-term capability.</li> <li>Water cannon is only likely to be deployed in relation to planned operations where there is an assessed threat of serious disorder or in relation to serious spontaneous disorder. Authorised Professional Practice guidance exists in relation to public order command. Water cannon will only be made available for operational use if authorised by an officer of the rank of at least Assistance Chief Constable and may only be deployed (following authorisation) by</li> </ul> |

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|                  |  | <p>operationally competent Public Order Silver Commanders. Water cannon will not be deployed without the relevant authority, even in exceptional circumstances.</p> <ul style="list-style-type: none"> <li>The Metropolitan Police Service will require any water cannon deployment to be authorised by an officer of the rank of Assistant Commissioner (higher than Assistant Chief Constable as required by APP)</li> <li>Community consultation mechanisms and Independent Advisory Groups exist within all forces and will be used to understand equality considerations.</li> <li>Appropriate processes will be put in place to monitor the use of water cannon and this will include making any deployment data publicly available.</li> </ul>  |
| Injury           | <ul style="list-style-type: none"> <li>Injury to subjects as a result of water cannon employment.</li> <li>Failure to have due regard for the Equality Duty.</li> <li>Injury to officers as a result of water cannon employment.</li> <li>Injury to officers / members of the public as a result of lack of availability of water cannon.</li> </ul> | <ul style="list-style-type: none"> <li>Initial scoping within Europe suggests that there are few reported injuries associated with the use of water cannon. A further injury review has been commissioned by the Home Office and presented to the Scientific Advisory Committee for the Medical Implications of Less-Lethal Weapons (SACMILL). SACMILL has provided the Home Office with an interim statement assessing the risk presented by the German water cannon.</li> <li>Pressure testing will take place of any water cannon to be used on the UK mainland. The Home Office Centre for Applied Science and Technology (CAST) have retested PSNI cannon for comparison purposes. Pressure comparisons between the PSNI Cannon and any cannon that may be used in the UK will be provided to SACMILL by CAST. Water cannon will only be authorised for use on the mainland following authorisation by the Home Secretary. Water cannon will only be operated by staff specifically trained in its use. Commanders will have tactical advisors available to advise on available tactical options. These commanders and tactical advisors will be specifically trained in relation to water cannon use. Public order operations (whether in relation to planned or spontaneous events) are subject to pre-determined and dynamic risk assessment processes.</li> <li>Water cannon will only be deployed alongside public order trained staff who have received specific water cannon training. There are in the region of 100 Police Support Units from England / Scotland / Wales who are trained to operate alongside water cannon. Following any authorisation of water cannon by the Home Secretary further PSU staff will be trained in this tactic.</li> <li>Water cannon tactics already exist within the National Public Order Training Curriculum and are based on experience within the PSNI where recorded injuries are low.</li> <li>PSNI experience suggests that the presence of water cannon significantly reduces the likelihood of injury to officers. The National Policing Lead for Conflict Management is proposing the further availability of water cannon to increase the range of tactical options available to deal with disorder.</li> <li>The addition of water cannon to the range of available public order options has the potential, under certain circumstances, to reduce the need for other tactics (which carry a higher likelihood of injury) to be employed e.g. AEP, batons, police dogs, police horses.</li> <li>Water cannon can have a deterrent / preventative effect and deployment will be also based on the assessed threat of disorder and not purely in a reactive capacity.</li> <li>Appropriate processes will be put in place to monitor the use of water cannon and this will include any making deployment data publicly available.</li> </ul> |
| Legal challenge  | <ul style="list-style-type: none"> <li>Legal challenge relating to the use of water cannon as a tactical option.</li> <li>Legal challenge from staff association or police officers as a result of water cannon not being authorised for use in England / Scotland / Wales.</li> <li>Legal challenge in relation to procurement process.</li> </ul>  | <ul style="list-style-type: none"> <li>Article 2 of the UN basic principles of the use of force and firearms states that; "Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that will allow for a differentiated use of force and firearms".</li> <li>The police has a core duty to protect life and property.</li> <li>The Police Service has legal obligations in relation to the health and safety of its staff.</li> <li>Gold and Silver Public Order Commanders are subject to a national training and accreditation process. The National Decision Model underpins all aspects of this training. The principles of public order command centre on balancing the rights and freedoms detailed within ECHR and ensuring that any policing response is proportionate. Water cannon forms part of a wide range of graduated tactical response options. The need for reasonableness when force is used by police officers is clearly defined in legislation. Public bodies and processes exist to hold the police to account for their actions.</li> <li>Procurement experts are members of the project board and will advise on procurement processes.</li> </ul>  |
| Financial Impact | <ul style="list-style-type: none"> <li>Lack of funding support for national asset.</li> <li>Public perception of procuring water cannon during times of austerity.</li> <li>Value for money / reputational issues associated with procuring water cannon and then rarely / never deploying it.</li> </ul>  | <ul style="list-style-type: none"> <li>The MPS has stated that it would be prepared to purchase water cannon for use within its police area and may provide the capability to other force areas.</li> <li>The opportunity for the MPS to buy second hand water cannon from Germany potentially presents a cost-effective solution to the short-term requirement for water cannon. It will also enable the Police Service to re-assess the Operational and Technical Requirements (based on training and deployment) for a bespoke model to ensure that they are current and constitute best value. Purchase of used water cannon in the short-term is cheaper than leasing solutions and it is anticipated that partial costs could be recovered through the onward sale of the water cannon.</li> <li>All Chief Constables have been involved in discussions concerning water cannon. Further discussion will take place with both Chief Constables and Police and Crime Commissioners in relation to any future national asset.</li> <li>Specific funding models for any national asset will be produced as part of the ongoing project. Water cannon will not be procured without agreement over funding.</li> <li>The communications strategy will ensure that the public understand the cost of water cannon and the operational requirement supporting it.</li> </ul>  |