

<b>Title:</b>  <b>Water Cannon</b>  <b>Use of water cannon by police in relation to disorder incidents and planned public order operations</b>	Operational Requirement (Part 1)	
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	Owner	Chief Constable David Shaw
	Lead Dept.	National Conflict Management Policing Portfolio
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	Contact	chief@westmercia.pnn.police.uk
<b>1. Background</b>  1.1 The consideration of the water cannon issue has been taking place within the context of a much broader programme of work commenced under the leadership of Chief Constable Ian Learmonth, former National Policing Lead for Public Order and Public Safety. The catalyst for this work was the disorder of August 2011 and the programme incorporates a comprehensive review of capability, capacity, responsiveness, training, tactics and equipment of which the water cannon option is just one element.  1.2 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".  1.3 The use of water cannon as a safe and proportionate tactic in the continuum of force for dealing with public order situations was explored in detail in the two-part <i>Patten Report</i> . <sup>1</sup> Its validity as a tactical option has also been recognised by Sir Dennis O'Connor in the HMIC report <i>Rules of Engagement</i> and the Metropolitan Police report <i>Four Days in August</i> . <sup>2</sup>  1.4 Water cannon were first used in Northern Ireland in 1969 and at that time were described by Her Majesty's Inspectorate of Constabulary (HMIC) as ' <i>mechanised creators of distance between police and protestors</i> '. Development of water cannon took place during the 1980's and water cannon was officially authorised for use in Northern Ireland in 1999. The Somati RCV9000 Water Cannon has been authorised for use in Northern Ireland since 2004 and is deployed and used on a frequent basis. This employment is based on guidance within the College of Policing Authorised Professional Practice (APP) and the National Police Public Order Training Curriculum. England, Wales and Scotland remain among the few European countries that do not have this tactical option available to commanders facing serious public disorder.		
<b>2. Water cannon as a tactical option</b>  2.1 Over the past 20 years, a range of less lethal policing options has been developed to enable the use of force at close quarters (batons, Taser, incapacitant sprays etc). The range of less lethal options to exercise control at a distance is limited. Faced with a situation where rioters		

<sup>1</sup> Recommendations 69 & 70 relating to public order equipment – "A Research Programme Into Alternative Policing Approaches towards the Management Of Conflict"

<sup>2</sup> Para 7.6 recognised that, had water cannon been available, it would have been considered as a tactical option during the August disorder. It may also have been considered for protests such as Countryside Alliance in 2004, the Gaza demonstrations against the Israeli Embassy in 2008/9 and the student protests of 2010.

were throwing petrol bombs or other missiles capable of causing death or serious injury, there would be little alternative other than to withdraw or deploy AEP or conventional firearms alongside conventional public order tactics. Deploying conventional public order tactics without AEP / firearms is likely to increase the risk of both officer and subject injury.

- 2.2 Water cannon provides the ability to exert control from a distance and critically to provide a graduated and flexible application of force ranging from spray or diffused mode to forceful water jets. The mere presence of water cannon can have a deterrent effect and statistics from Northern Ireland demonstrate that water cannon is often deployed without being employed<sup>3</sup>. Faced with the need to either protect vulnerable premises or disperse a crowd in a situation of serious public disorder, in the absence of the availability of water cannon tactics it is likely that police commanders would have to authorise alternative tactics (involving significant force) which may include AEPs, batons, mounted officers, vehicle tactics, police dogs or even firearms.
- 2.3 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 and public bodies and processes exist to hold the police to account for their actions. Police officers are required to resolve situations with the minimum amount of force necessary and there is equally an expectation from the public that the police will respond positively to serious disorder.
- 2.4 It is anticipated that water cannon would be deployed in relation to planned events and serious disorder. Any decision to deploy water cannon would be based on a thorough assessment of a number of critical factors (in particular the threat of disorder and the level of violence used / anticipated) and would need to be both a lawful and proportionate use of force. It is reasonable to expect that water cannon would only be deployed where other tactics have been tried and proven to be unsuccessful or deemed otherwise inappropriate. Examples of where water cannon could be deployed include the following, which are intended to be illustrative, not exhaustive: defending a fixed and vulnerable / iconic location; separation of hostile crowds during demonstrations / disorder; creating distance between police and opposing factions; facilitating the advance of police resources and other emergency services to deal with life at risk incidents during incidents of severe disorder.
- 2.5 It should be understood that water cannon has its limitations. It is acknowledged that it has a limited effect on fast, agile disorder. The Metropolitan Police report *Four Days in August* commented *that 'Examples in recent history where the use of this tactic might have been a consideration for commanders had it been available include the Countryside Alliance demonstrations in Parliament Square (2004), the Gaza demonstrations against The Israeli Embassy (2008/9) and potentially the student protests of 2010 where specific locations were targeted. In all these cases police had to face significant levels of violence in order to protect key locations and buildings and the staff within them'.*

### **3. Potential to cause injury**

- 3.1 Each water cannon used in England or Wales must be approved by the Home Secretary. The Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons (SACMILL) has been tasked by the UK Less-Lethal Technologies and Systems Strategic Board to advise on the medical implications surrounding use of a type of vehicle-mounted water cannon that has not previously been available to support policing of serious public disorder in the UK. In order

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<sup>3</sup> Between 1/4/12 and 30/9/12 water cannon were deployed on 53 occasions by the PSNI but only used 4 times

to inform this advice, a comprehensive review on the medical implications of vehicle-mounted water cannon has been completed in July 2013 by the Defence Science and Technology Laboratory.

- 3.2 There are few recorded injuries associated with the use of water cannon. The DSTL report concludes *'medically relevant evidence from operational use of water cannon in Northern Ireland and elsewhere has been sought and assessed, as has the medical literature concerning the effects of high pressure water jets on the body. No clinical case reports concerning injuries sustained specifically from use of water cannon in civil disorder were found in the peer-reviewed literature, although there is good evidence from other sources to indicate that serious injuries have been sustained by people subjected to the force of water cannon jets* (DSTL report "The medical implications of vehicle-mounted water cannon with special reference to the Ziegler Wasserwerfer 9000 (WaWe 9) system).

- 3.3 Injuries associated with the use of water cannon can be categorised as follows;

Primary - injuries caused by the water jet impacting the body.

Secondary - injuries produced by impact on the body of street furniture or other debris.

Tertiary - injuries caused by impact of the body with other objects, such as may arise, for example, if the water jet causes people to fall over or to be thrown against rigid structures.

- 3.4 While it is accepted that the use of water cannon could lead to serious injury, it is equally important that this is taken in the context of the manner of its use and the training provided to operators. Deployment of water cannon within England and Wales would be based on tactics described within the National Public Order Authorised Professional Practice (APP) and based on the National Public Order Training Curriculum. These documents form the basis for deployments within Northern Ireland where there have been no reports of injury caused by water cannon. It is anticipated that output pressures of any water cannon procured for use in England and Wales would not exceed those of the PSNI Somati RCV9000 and these pressures will be subject to scientific testing by the Home Office Centre for Applied Science and Technology (CAST).

- 3.5 Colleagues in Northern Ireland will state that the availability of water cannon during incidents of disorder in Northern Ireland typically leads to reduced officer injuries. At present there is no data to support this claim however consultation has taken place with PSNI specialist public order trainers who support this claim. Primarily, experience shows that water cannon creates distance between police and protestors reducing the ability of protestors to throw large injury-causing missiles (for example large masonry) at police.

#### **4. Strategic risk of disorder**

- 4.1 There is no intelligence to suggest that there is an increased likelihood of serious disorder within England and Wales. However, it would be fair to assume that the ongoing and potential future austerity measures are likely to lead to continued protest. Experiences in Millbank in 2010 demonstrate how quickly protest can turn to serious violent disorder. In addition, the social and economic factors that are currently being experienced have the potential, when combined with a significant (and often spontaneous) "trigger" event, to lead to the outbreak of significant disturbances. The disorder in August 2011 saw major damage to property, deaths of members of the public and injuries to police officers.

4.2 The Metropolitan Police Service sees no evidence of a change in the context that underpinned the protest related violence and disorder seen in 2010 and 2011. It is also worthy of note that the potential for serious public disorder at specific protests has, on two occasions in the last 24 months, lead to the successful application for authority to prohibit processions under Sec 13 Public Order Act 1986. Prior to this, the last prohibition was in 1981 following the disorder in Brixton. Whilst there is no specific intelligence, the underlying factors outlined above are arguably more relevant for the capital given its significance as a focal point for protest.

4.3 Although the disorder within the Metropolitan Police area in 2011 provided the catalyst for the debate around the requirement for water cannon, serious disorder was experienced in many major cities and towns of an intensity and scale where water cannon potentially could have offered an operational advantage to public order commanders.

## **5. Public Opinion**

5.1 It is anticipated that public opinion will be mixed in relation to water cannon. Some perceive that the use of water cannon is not consistent with the British style of policing. There is however a public expectation that the police will deal positively with disorder and that the level of force used will be reasonable.

5.2 CC Ian Learmonth consulted with key stakeholders in relation to the wider revised public order framework and water cannon has featured in this. The Mayor of London is currently holding a series of engagement events in relation to water cannon and this engagement will conclude at the end of February 2014. MOPAC and the APCC are represented on the water cannon project board and will play a key role in delivering the wider communications strategy should approval to use water cannon in England and Wales be granted.

5.3 A 2012 YouGov survey (14/3/12) suggested that 90% of respondents were in favour of water cannon. Unexpected media interest in the ongoing project in May 2013 confirms that public opinion in relation to water cannon is mixed. However, no significant public opposition to water cannon has been identified in response to media releases.

5.4 Experience in Northern Ireland has shown that there is far more concern from community groups around the deployment and use of AEP as opposed to the use of water cannon. AEP has never been deployed in England and Wales in response to disorder incidents.

## **6. Community Impact**

6.1 The impact of water cannon on individual communities will depend on the nature of the deployment as well as the nature of the incident prompting it. Public order policing is based on a 'no surprises' ethos and commanders must, wherever practicable, build communication / engagement plans into their planning considerations and assess the impact of their response to disorder. Post-incident community impact processes are embedded and well-practiced in all police forces.

6.2 The Police Service has new national mechanisms for monitoring and assessing community tension. These were implemented in June 2013 and are 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.

6.3 Police and Crime Commissioners provide an alternative mechanism for engaging with communities and this will form part of the community engagement process following any

decision to approve water cannon for use in England and Wales.

## **7. Operating Model / Funding Models**

- 7.1 Chief Constables have been consulted regarding potential operating and funding models. While a range of responses has been received, there is general support for a nationally funded model however Chief Constables have requested that all funding options and sources be explored.
- 7.2 The opportunity to buy second hand water cannon from Germany presents a cost-effective solution to the short-term requirement for water cannon. Since early 2013 the project has focussed on obtaining a short-term solution as it was identified that the procurement of a new bespoke product could take 18-24 months. The short-term solution 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. The 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.