

**Liberty's response to the Greater London  
Authority's public engagement on police use of  
water cannon**

**February 2014**

## **About Liberty**

Liberty (The National Council for Civil Liberties) is one of the UK's leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research.

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Liberty provides policy responses to Government consultations on all issues which have implications for human rights and civil liberties. We also submit evidence to Select Committees, Inquiries and other policy fora, and undertake independent, funded research.

Liberty's policy papers are available at

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## Introduction

1. Since our formation, the protection of peaceful protest has been at the core of Liberty's work. Indeed, we were founded in 1934 as the National Council for Civil Liberties in response to the use of police agent provocateurs to incite violence during the hunger marches of 1932. Throughout our history we have legally observed the policing of demonstrations and campaigned to protect and preserve the right of peaceful dissent in the UK. Through our work we have accumulated expertise and experience of the challenges posed by policing large scale protests and the most effective and proportionate responses to difficult public order situations.

2. In this short briefing we respond to the GLA's public engagement exercise which considers use of water cannon in London, and by implication more widely in England & Wales. Liberty believes that case for water cannon has not be made by the Metropolitan Police Service (MPS) and further that its introduction to mainland Britain would dangerously undermine our tradition of policing by consent, radically alter the relationship between the police and the communities they serve and chill free speech and peaceful protest.

3. First used in 1930s Germany, water cannon has never been deployed in England, Scotland, or Wales. Currently only one police force in the UK – the Police Service for Northern Ireland – is licensed to use water cannon.<sup>1</sup> However the Association of Chief Police Officers (ACPO) has been undertaking a national water cannon scoping project and the Metropolitan Police Commissioner, Sir Bernard Hogan-Howe, has asked the London Mayor, Boris Johnson, for three water cannon to be made available to the Metropolitan police by summer 2014. It is proposed that three machines will initially be purchased from the German police at a cost of 200 000 pounds. This is intended as an interim measure as the machines that have been identified are 17 years old and would not be able to operate beyond a few more years. It is proposed that three new machines would then be purchased at a cost of 600 000 – 1 million pounds per cannon, and a total cost of up to 3 million pounds. The London Mayor has signalled that he is, in principle, happy to approve and fund the purchase for the MPS and has embarked on the present consultation exercise before reaching a final decision.

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<sup>1</sup> Water cannon was first used in Northern Ireland in 1969 and was officially authorised for use again in 1999.

4. However, before water cannon could be purchased, the Home Secretary, Theresa May, would need to licence the use of water cannon by police forces in England & Wales. This authorisation would be overarching; responsibility for subsequent individual deployments would then fall to chief constables. She has already declined to fund the purchase of interim water cannon as a 'national asset' and in 2010 stated that –

*"I don't think anybody wants to see water cannon used on the streets of Britain because we have ... a different attitude to the culture of policing here in the UK. We police by consent and it depends on that trust between the police and the public."*<sup>2</sup>

### **A case for water cannon?**

5. The apparent trigger for the present debate on water cannon was the nationwide riots in England & Wales in August 2011. However in their immediate aftermath, chief constables were very clear that water cannon would not have helped with countering outbreaks of criminality. Subsequent inquiries have confirmed the same. At the time, ACPO President, Sir Hugh Orde, said - "water cannon are used to deal with fixed crowds to buy distance... *These are fast-moving crowds, where water cannon would not be appropriate ... I don't see it as necessary, and nor do the 43 chiefs I spoke to this morning.*"<sup>3</sup> As one of only two chief constables who have deployed water cannon in the United Kingdom<sup>4</sup> this professional view is instructive and in his recent evidence to the London Assembly Police & Crime Committee (LAPCC), Hugh Orde reiterated his view that use of water cannon in response to the riots would not have been effective "*all the experience of water cannon that I have says that a fast-moving, imprecise, cut-and-run situation is not when you would use them. It would not do.*"<sup>5</sup> Disorder was instead brought back under control in 2011 through a surge in police numbers. However despite the unanimous professional consensus that water cannon could not have been effectively deployed in response to the riots it is now being suggested that there is a 'gap' in the weaponry available to police in England & Wales.

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<sup>2</sup> "Home Secretary in u-turn on water cannon" *The Telegraph*, 14 December 2010, available at - <http://www.telegraph.co.uk/news/uknews/law-and-order/8199654/Home-Secretary-in-U-turn-on-water-cannon.html>

<sup>3</sup> "David Cameron: Police can use water cannon to control riots" *The Guardian*, 10 August 2011, available at - <http://www.theguardian.com/uk/2011/aug/10/david-cameron-water-cannon-police-riots>

<sup>4</sup> As Chief Constable of the Police Service of Northern Ireland between 2002 and 2009.

<sup>5</sup> In evidence to the Police and Crime Committee, 4<sup>th</sup> February 2014.

6. This conclusion is incredibly difficult to sustain in light of recent public order policing in the UK. Indeed in assessing the need for water cannon in the UK, ACPO has concluded “*there is no intelligence to suggest there is an increased likelihood of serious disorder within England and Wales.*”<sup>6</sup> The Metropolitan’s case for water cannon is similarly confused and riddled with inconsistency. In evidence to LAPCC, MPS Assistant Commissioner, Mark Rowley, said that water cannon would be used against “*breakaway factions, small groups intent on serious violence*”<sup>7</sup> yet ‘breakaway groups’ intent on violence are by their nature mobile and likely to move fast to another location if targeted by police. Further, those advocating the purchase of water cannon seem strongly to disagree over when it should be deployed. ACPO has retrospectively identified three occasions when it thinks water cannon could have been used - 2004's Countryside Alliance demonstration in London; demonstrations outside the Israeli embassy in 2008-09; and the student protests of 2010. The MPS has agreed that it could have been used in the student protests in Westminster in 2010 while the London Mayor (who would apparently be consulted before deployment) has said - “*Would I have wanted to see water cannon used against the student protesters? Absolutely not. I think it would have been counter-productive.*”<sup>8</sup> Instead the Mayor seems to confuse the role of water cannon with that of a fire engine, citing the arson attack on Reeves furniture store in Croydon as a possible example of its utility - “*Could it have made a difference in Croydon? Yes possibly. There was an incident in Croydon where it could have made a difference.*”<sup>9</sup>

7. London’s Police and Crime Committee examined the MPS case for water cannon, taking evidence from senior police officers and the London Mayor, and has concluded that the case has not been made –

*“The Met has not set out a convincing case for why water cannon are needed as an interim arrangement for deployment in London by summer 2014. The examples that have been given as to when water cannon could have been used over the past ten years are unconvincing. In many cases, the examples contradict the assurances we have been given about when it would be appropriate to use water cannon.”*<sup>10</sup>

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<sup>6</sup> ACPO Report, National Water Cannon Asset.

<sup>7</sup> In evidence to the London Assembly Police and Crime Committee, 29<sup>th</sup> January 2014.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> *Water cannon Why the Met’s case doesn’t wash*, February 2014, London Assembly Police and Crime Committee available at - <http://www.london.gov.uk/mayor-assembly/london-assembly/publications/water-cannon>

8. Further, there is a huge divergence in views amongst the police and many serving and retired chief constables and senior police officers are opposed to the introduction of water cannon to mainland Britain. Former Metropolitan Commissioner Lord Blair has said that the case has not been made<sup>11</sup> and Lord Paddick, former Metropolitan Deputy Assistant Commissioner, has said that “*Licensing the use of water cannon, their purchase and use on the UK mainland would be disproportionate and damaging to the reputation of the police service.*”<sup>12</sup> Five of the six largest police authority areas in England and Wales have publicly rejected deploying water cannon<sup>13</sup> and in evidence to LAPACC, the ACPO President confirmed that there is no consensus on the issue among the 44 police forces. Even the ACPO lead on water cannon, chief constable David Shaw, appears conflicted. When asked if he thought the introduction of water cannon would be a huge change, he said –

*"Yes I do. I completely get that. And can I just stress: there's a danger that because I've got the term 'national leader' applied to my role here, I'm seen as some sort of zealot for this. My position is that I think it's sort of a necessary thing, but I wish we didn't have to have it. Just like I wish we didn't have to have firearms."*<sup>14</sup>

9. Police officers and politicians in favour of water cannon make repeated reference to a ‘gap’ in currently police capability and have sought to claim that water cannon is safer than other licensed police tactics. Water cannon has been pitched as an alternative to baton rounds (known as ‘attenuated energising projectiles’) which while currently available in England & Wales have never been deployed. Yet no recent examples of public order situations where baton rounds – and by implication a ‘water cannon alternative’ - would have been justified in England & Wales have been produced. Water cannon is not therefore being posited as an alternative to rubber bullets but rather as an alternative to tactics and powers that are currently used. Further, justifying one supposedly less than lethal weapon by reference to the extreme dangerousness of another neither persuades nor reassures. The truth is that the police service of England & Wales have more than enough alternative tools and tactics to control public

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<sup>11</sup> *Blinded German Man urges Boris Johnson not to bring water cannon to London*, BBC news, 17 February 2014, <http://www.bbc.com/news/uk-26226926>.

<sup>12</sup> Hansard, 12 February 2014, Column 653.

<sup>13</sup> *Five of six largest police forces do not want water cannon*, The Guardian, 4<sup>th</sup> February 2014, <http://www.theguardian.com/uk-news/2014/feb/04/police-forces-opposed-to-water-cannon>.

<sup>14</sup> *Is Britain ready for water cannon?* The Guardian, 4<sup>th</sup> February 2014 available at - <http://www.theguardian.com/uk-news/2014/feb/04/britain-ready-for-water-cannon-london>

disorder. In Liberty's experience, effective public order policing is best achieved through forward planning (where possible), effective communication, sufficient numbers of police to either facilitate protest or deal with troublemakers; and the timely deployment of officers to use lawful powers and tools in a targeted and proportionate way when trouble arises. Crucially this will include making factual assessments and responding to individual behaviour in a targeted manner as opposed to blanket blunt responses that create more problems than they solve.

10. Water cannon advocates have also sought to rely on the Northern Ireland experience to justify extension to mainland Britain. However again as Hugh Orde, the former chief constable for PSNI, has made clear "*Northern Ireland is a unique policing environment*"<sup>15</sup>. While he now appears in principle to favour the availability of water cannon in England & Wales, his evidence to the LAPCC demonstrated, via reference to Northern Ireland, how unnecessary and inappropriate water cannon is for use in London. Describing specific and extreme events that gave rise to water cannon deployment in NI in 2005, Hugh Orde explained –

*"We had rioting for three days....We had a precise situation where we had residents in one location and marchers in another location coming together. We had police officers in the middle and concerted attacks on police. The attacks included blast bombs and live fire. We bought space with water cannon".*

He provided further context to the effect that -

*"In Northern Ireland, very often sadly, the public order was infiltrated by extremely dangerous dissident Republican terrorists where the threat against life was from live fire.[Officers] had everything. Blast bombs for example would be routine. These are very dangerous even when used as hand grenades. In 2005 I had over 100 officers injured, and five or six never, ever returned to work. The scale of violence was exceptionally high and much of that was terrorist-based."*<sup>16</sup>

The justification for, and practical experience of, water cannon in Northern Ireland appears to hinge a great deal on its tragic history of extreme sectarian violence and the modern day

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<sup>15</sup> Ibid at footnote 5.

<sup>16</sup> Ibid at footnote 5.

challenge of policing parades. Even if this justification can be maintained, such circumstances do not reflect modern-day London and the rest of England and Wales.

11. The MPS case is further hampered by the tactical limits of water cannon. They are slow and unwieldy and would be practically useless in the narrow Victorian streets of vast swathes of London. As Hugh Orde has observed - *"They are a complicated bit of equipment. They are big. They weigh tons. They do not move quickly and in fact, when they do move, they take a lot of stopping, rather like a fire engine. They weigh a lot so it is not something that can whizz around any city. They would not whizz around London...We had lots of very narrow streets in Belfast which we could not deploy them on. That is one of their limitations."*<sup>17</sup> ACPO guidance appears to accept this - *"History would suggest that the most serious outbreaks of public disorder have occurred spontaneously"* further stating - *"it should be understood that water cannon has its limitations. It is acknowledged that it has a limited effect on fast, agile disorder."*<sup>18</sup>

### **Counterproductive and Dangerous**

12. In addition to being ineffective in most public order situations, water cannon is invariably counterproductive in practice - its use is liable to cause panic and inflame tense situations. As Anna Feigenbaum has written -

*"Seen as a declaration by the state that dissent must be crushed, the deployment of luminous, militarised water cannon vehicles often results in escalating force from both police and 'crowds'. It has been seen to increase the use of home-made firebombs and defensive attacks on police, turning protest into asymmetrical urban warfare – and giving weapons buyers and manufacturers the need to produce more and more equipment."*<sup>19</sup>

13. Water cannon is a dangerous weapon capable of causing pain, distress, serious injury or even death. Formally categorised as a 'less lethal system' ACPO guidance significantly acknowledges that *"the term 'less lethal' accepts that water cannon are capable of causing*

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<sup>17</sup> Ibid at footnote 5.

<sup>18</sup> Ibid at footnote 6.

<sup>19</sup> *"White-washing the water cannon: salesmen, scientific experts and human rights abuses,"* 25<sup>th</sup> February 2014, available at - <http://www.opendemocracy.net/opensecurity/anna-feigenbaum/white-washing-water-cannon-salesmen-scientific-experts-and-human-rights>



*serious injury or even death.*<sup>20</sup> The authorisation of any less lethal system by the Home Secretary takes into account the medical implications of its use however Home Office medical assessments about the impact of water cannon rely heavily on studies done on animals in laboratory conditions. While ACPO seeks to rely on an absence of recorded injuries in Northern Ireland a Defence Science and Technology Laboratory report concluded that –

*“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.”*<sup>21</sup>

Indeed, while controlled laboratory tests may allow for precise deployment against controlled targets this is clearly not comparable to the chaotic nature of public order circumstances.

14. Police guidance attempts to present water cannon as something that can be safely used if used well. ACPO claims - *“There is a range of water cannon footage available online showing injuries caused by water cannon however it should be acknowledged that water cannon tactics, deployment criteria as well as the tolerance for disorder or protest vary significantly across the world.”*<sup>22</sup> While the extent of injury that can be caused may depend in part on the manner in which it is used, matters over which the police have no control – such as the response of those targeted and the physical attributes of those hit - will clearly affect the extent and seriousness of the injuries caused. The elderly, the disabled the young or those who are physically more frail for any reason are more likely to be seriously harmed. As Hugh Orde has acknowledged – *“it can absolutely knock you over if you get too close. The tactic is not to let them get to close because they give up with the pressure of water. If they retreat they are safe.”*<sup>23</sup>

15. By way of example, Dietrich Wagner, a German pensioner, was blinded by water cannon in Stuttgart four years ago. Mr Wagner, 69, had his eyelids torn and the lenses of his eyes and some of the bones around his eyes fractured, causing his eyeballs to fall out of their sockets after being blasted by the full force of a water cannon while attending a demonstration over the

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<sup>20</sup> Ibid at footnote 6.

<sup>21</sup> DSTL report “The medical implications of vehicle mounted water cannon with special reference to the Ziegler Wasserwerfer 9000 (WaWe 0) system.

<sup>22</sup> Ibid at footnote 6.

<sup>23</sup> Ibid at footnote 5.

redevelopment of Stuttgart's main railway station on 30 September 2010. He lost consciousness for a while and needed six operations and a metal plate inserted in his head as part of the reconstructive surgery. In one of his eyes, he only has 8% sight. On a recent visit to Britain to highlight the danger and damage that can be done through use of water cannon Mr Wagner said –

*“It is my duty to make the people of London aware of how lethal these weapons can be. Before my injury, I had no idea of the damage they could cause. When I was hit, it was like being punched by a giant boxer, and I have lost nearly all my sight. I am lucky to be alive.”<sup>24</sup>*

16. Even if it is capable of deployment in a way that doesn't cause serious injury to most people, one serious injury or death is significant and would have huge ramifications for policing in the UK.

17. Liberty is further unconvinced by the reassurance that serious injury and death can be averted by use by 'highly trained public order officers'. The Territorial Support Group – the unit responsible for public order at the Met - have an inglorious reputation for heavy handed policing and abusive and unlawful use of their powers. The Unit caused widespread outrage following its policing of the G20 summit in 2009 and the death of Ian Tomlinson which followed violent contact from a TSG officer. The incident was far from isolated. Footage of a small female protester being struck across the face before being batonned on the legs arose on the same day and an eyewitness to the TSG's treatment of peaceful climate camp protesters later that evening said -

*The violence perpetrated against so many around me over that hour was sickening and terrifying. Without warning, from around midnight, the police repeatedly and violently surged forwards in full riot gear, occasionally rampaging through the protest line and deliberately destroying protesters' property, some officers openly screaming in pumped-up rage.”<sup>25</sup>*

## **Water cannon and protest**

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<sup>24</sup> Press release from *No to Water Cannon*, 17<sup>th</sup> February 2014 available at - <http://notowatercannon.files.wordpress.com/2014/02/dietrich-wagner-press-release.pdf>.

<sup>25</sup> “Baton charges and kettling: police's G20 crowd control tactics under fire” *The Guardian* (03/04/09) <http://www.guardian.co.uk/world/2009/apr/03/g20-protests-police-tactics>

18. ACPO's three retrospective examples of where water cannon would have been appropriate are all cases of political protest. Further, in concluding that there is no intelligence to suggest further public disorder ACPO state "*However it would be fair to assume that the ongoing and potential future austerity measures are likely to lead to continued protest.*" It is clear therefore that water cannon is being considered principally for the purpose of policing protests against austerity.

19. Liberty believes that the use or threatened use of water cannon will unacceptably undermine peaceful protest and fundamental rights in England & Wales. It is an indiscriminate weapon, punishing all those in the vicinity where it is used. Even where violent or other criminal acts take place it will be impossible to protect innocent bystanders and peaceful protesters from its effect as it does not allow individuals to be treated differently according to their behaviour. Even in the most serious cases of public disorder where a group of people are overwhelmingly engaged in criminal behaviour some among the group will be innocent (for example those that took to the streets to find their children or who had to pass violent disturbances to go home during the 2011 riots). As well as punishing and injuring innocent bystanders, the physical impact on someone engaged in criminality could be grossly disproportionate.

20. It is also the case, despite police promises to the contrary, that once obtained, water cannon would be deployed as a deterrent where it is not intended for use. In Northern Ireland it was deployed 53 times between May and September 2012 but used only on 4 occasions. The very threat of their use is likely to chill peaceful protest in the same way as other blanket measures such as kettling. Hugh Orde recognises that "*Again you have to be careful that by deployment you do not deter people from exercising their rights under the European Convention on Human Rights Articles 9, 10 and 11*". Unfortunately it is impossible to ensure that people aren't deterred. Water cannon deployment is, by its nature, a deterrent to peaceful protest, especially to those who by nature of their age, or physical disability would be made more vulnerable to harm.

21. Assurances that water cannon will not be used as a deterrent, do not allay concerns. The ACPO guidance on water cannon states "*the mere presence of water cannon can have a deterrent effect*". It is inevitable that if water cannon is purchased, they will over time be

deployed to 'deter' criminality while also deterring peaceful members of the community from assembling and protesting.

### **Changing the nature of British policing**

22. Water cannon is a symbol of inflammatory, militaristic and brutal policing. The machines are big, weigh tonnes, and resemble army tanks. Its unprecedented introduction in England & Wales would radically change the nature of our longstanding tradition of policing by consent. Chief constable David Shaw has admitted water cannon "feels very un-British" and the Home Secretary has previously stated that "*the way we police Britain is not through the use of water cannon. The way we police Britain is through consent of communities.*"<sup>26</sup> ACPO guidance accepts that "*its presence alone can be inflammatory*" and as respected constituency MP Diane Abbott MP has written -

*"Water cannon would be a signal to the wider community that the state was "weaponising" its policing of disorder. Some would be reassured. But the East End of London and other similar inner city areas have had an oppositional attitude to the police that goes back centuries. Nothing would be more likely to get otherwise law-abiding people on to the streets in protest than the use of water cannon.*"<sup>27</sup>

A shift to a more militaristic style of policing in England & Wales is untested and its repercussions could be disastrous for policing and law and order. It could usher in the future use of more severe water cannon tactics such as use in sub-zero temperatures which can cause pneumonia or use alongside dye technology to mark individuals out for later arrest. It could also initiate a shift to other militarised policing tactics such as 'beanbags' and noise machines as used by American police.

23. Concerned about the impact on our policing tradition, on 14 February 2014 the London Assembly voted by 20-5 to urge the Mayor not to purchase water cannon for the Metropolitan police. Assembly member Caroline Pidgeon who proposed the motion stated that their potential

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<sup>26</sup> "London Riots: Theresa May rejects calls for water cannon" *The Telegraph*, 9<sup>th</sup> August 2011 available at - <http://www.telegraph.co.uk/news/uknews/crime/8690466/London-riots-Theresa-May-rejects-calls-for-water-cannon.html>.

<sup>27</sup> "Using water cannon in London would be disastrous" Diane Abbott, *The Guardian*, 27<sup>th</sup> February 2014, available at - <http://www.theguardian.com/commentisfree/2014/feb/27/water-cannon-london-disastrous-met-police>.

deployment “moves us significantly away from Robert peel’s principles of policing by consent”.<sup>28</sup> Fellow Assembly member Joanne McCartney said “The Mayor should not be rushing through this decision which fundamentally alters the relationship between the police and the communities they serve. The lessons from the riots were clear; we needed more officers deployed more quickly. Water cannon are no replacement for a properly resourced police service, since 2010 we have lost over 3000 police officers in London.”<sup>29</sup>

## **Public trust in policing**

24. ACPO cite opinion polling to claim public support for water cannon. A 2012 YouGov survey suggested that 90% of respondents were in favour of water cannon.<sup>30</sup> However such results shouldn’t be taken at face value. They came soon after the 2011 riots and likely reflect the widespread feeling that the police response had been inadequate. The police themselves accept that they failed to establish timely control over the situation but have since concluded that the faster deployment of greater police numbers and not the use of water cannon would have enabled this. Temporary public frustration over this should not be taken as carte blanche for informed and considered public support for water cannon. Indeed since the London Mayor announced the consultation, 37 000 have signed a petition opposing it, a civil society coalition *No to Water Cannon* has been set up and over 200 people attended a stormy public meeting convened by the MPS and the Deputy Mayor where overwhelmingly strong opposition was expressed.

25. Further, perceived public support for the introduction of water cannon doesn’t factor in the impact on trust and confidence in policing following its deployment. As water cannon has never been used in Britain it may be that people currently underestimate the danger it poses and the effect of its use. As Mr Wagner, a victim of water cannon, has pointed out –

*“The police also need to know what this will mean for their relationship with the public. They used to be respected and seen as a force for good in Stuttgart. But since 2010, this*

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<sup>28</sup> See London Assembly press release “Assembly tells Mayor not to pour money down the drain on water cannon” 14 February 2014,

<sup>29</sup> Ibid.

<sup>30</sup> Yougov – Majority of Brits support using water cannon and CS gas in riots, 21% support use of firearms, available at - <http://yougov.co.uk/news/2012/03/20/new-police-tactics/>.

*relationship has been damaged beyond repair, and there is now deep mistrust and hostility towards the police by most people in the city.*<sup>31</sup>

26. Public trust in policing is difficult to gain and relatively easy to lose. As a result of a number of high profile policing scandals and abuses of power it is currently at a very low level. A recent ComRes poll found that in response to the statement "I trust the police", 26% said they disagreed, while only 50% agreed.<sup>32</sup> Added to this, the MPS face longstanding challenges in earning the trust of certain communities, in particular the Black community. Commissioner Hogan-Howe acknowledged this in his statement following the inquest verdict into the death of Mark Duggan where he said -

*"This is about a relationship. It has much history and many difficult moments over the years. Yesterday was another...We do have a particular concern about our relationship with younger members of the black community...we know we have more to do to further reduce the use of stop and search...and developing the sensitive way in which we use our powers. I have also focused on doing all we can to reduce the risk of anyone dying in police custody. No one has died in four years and we're doing all we can to keep it that way."*<sup>33</sup>

27. At a time when the Metropolitan police appear rightly concerned over their use of blunt powers and committed to preventing further deaths in police custody, the acquisition of a new dangerous weapon incapable of 'sensitive' use is bizarre. If water cannon was used in response to a future protest against the death of a Black person at the hands of police it could prove counterproductive in the extreme.

### **Politicisation of policing**

28. Finally, Liberty is concerned by the politicised process proposed for the operational authorisation of water cannon. ACPO guidance states "*The decision to deploy water cannon is an operational matter. However it is anticipated that Chief Constables would always seek to*

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<sup>31</sup> Ibid at footnote 24.

<sup>32</sup> "Only half of Britons trust the police survey reveals" *Evening Standard*, 16<sup>th</sup> January 2104, available at - <http://www.standard.co.uk/news/crime/only-half-of-britons-trust-the-police-survey-reveals-9065547.html>

<sup>33</sup> Commissioner's Statement after meeting Tottenham and Haringey Community leaders following the Mark Duggan Inquest verdict, 9<sup>th</sup> January 2014, available at - <http://content.met.police.uk/News/Commissioners-statement-after-meeting-Tottenham-and-Haringey-community-leaders-following-the-Mark-Duggan-inquest-verdict/1400021871067/1257246741786>.

*engage with the [Police and Crime Commissioner] PCC prior to using water cannon.*<sup>34</sup> The Mayor of London has said that he would expect to be consulted before water canon is used. While this suggestion would seem to acknowledge the seriousness of water cannon deployment, it is unclear why a politician would be involved in an operational policing decision and what this would mean in practice, particularly given the disagreement that already exists between the MPS and London Mayor over when water cannon should be deployed. What if a PCC objected to the use of water cannon – would this override a decision of a chief constable? Or, would this fuzzy ‘consultation’ requirement give the green light for PCCs to suggest the use of water cannon, or worse still, exert influence on the chief constable to use it? In a rule-of-law society politicians are responsible for enacting legislation that set the parameters of policing powers. It is then the role of politically-independent officers of the Crown to make operational decisions in fast-moving public order situations about use of powers and weapons. It is not for politicians to seek influence or licence over such decisions.

## **Conclusion**

29. Water cannon are unsafe, untested and a symbol of brutal repression worldwide. They have never before been used in England, Scotland & Wales. We have, as a result, stood as a beacon for a more tolerant, principled and democratic approach to policing. No convincing case has been advanced to suggest that water cannon are now required to enable the MPS - or any other police force on mainland Britain - to keep the peace. Liberty therefore urges the London Mayor and the Home Secretary to resist this request from the MPS, both in the interests of communities in London and the rest of the England & Wales and in the long-term interests of the police service.

**Isabella Sankey**

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<sup>34</sup> Ibid at footnote 6.