

MEMORANDUM

From: Wayne Mawson
Assistant Chief Constable
Local Policing West

To: Divisional Commanders
Heads of Departments

Date: 01 April 2013

Ref: PS 001/13

POLICE INVESTIGATIONS AND REVIEW COMMISSIONER - OPERATIONAL DISCHARGE OF C.S. INCAPACITANT SPRAY

From 1st April 2013 there is a legal requirement for the Police Service of Scotland (PSoS), the Scottish Police Authority (SPA), and the Police Investigations and Review Commissioner (PIRC) to ensure compliance with the provisions of the **Police Public Order and Criminal Justice (Scotland) Act 2006 as amended by the Police and Fire Reform (Scotland) Act 2012** and the **Human Rights Act 1998** (particularly **Articles 2 and 3 of the European Convention on Human Rights (ECHR)**).

This means that on every occasion where C.S. Incapacitant spray is discharged operationally there is a legal requirement to record the incident and report onwards to PIRC within 24 hours.

Force Form 064 – 001 has been created in order to record these instances. The form will be available on the Intranet Force Forms site from **Monday 1 April 2013** and **MUST** be submitted as soon as is reasonably practical after the incident and no later than the end of the discharging officer's tour of duty. If the officer is unavailable then a Supervisor must arrange its completion.

When complete the form should be emailed to **Officer Safety Training C.S. Spray Discharge** marked for the attention of Officer Safety Training, Local Policing West who will be responsible for its onward transmission to the Police Investigations and Review Commissioner.

The completion of this form is separate to the existing 'Use of Force Form', to be found on the System to Co-Ordinate Personnel and Establishment (SCOPE), which **must** still be submitted.

If further information or assistance is required please contact Sergeant [REDACTED].

(Signed copy held by SMT Secretariat)

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