CS INCAPACITANT SPRAY – ISSUE, USE AND STORAGE

INTRODUCTION

Section 2 of the Health and Safety at Work etc Act, 1974 imposes a duty on the Chief Constable to ensure, so far as is reasonably practicable, the health, safety and welfare of all his/her employees at work.

This includes the provision of Personal Protective Equipment (PPE) and suitable training regarding its use.

Under Section 7 of the 1974 Act, there are duties imposed on employees (including all serving Police Officers and Special Constables) while at work to take reasonable care for their own health and safety and that of other persons who may be affected by their acts or omissions at work and to co-operate with the employer to enable the employer to comply with the statutory duties for health and safety. The Act also imposes a duty not to misuse anything provided for safety reasons.

Further, the Personal Protective Equipment at Work Regulations 1992 require employers to ensure PPE is provided to employees and those employees to take all reasonable steps to ensure that any PPE provided is properly used in accordance to the training given and the instruction respecting its use.

This Act and the Regulations made there under are pertinent to all equipment issued to Police Officers and Special Constables.

All officers are required to undertake OST and shall be trained and issued with CS

This decision was reached following extensive research and evaluation with an overriding view to enhancing officer safety and reducing the potential of serious injury being caused when dealing with violent person(s).

It is recognised that the nature of policing is so diverse that it will never be possible to document guidance to cover every encounter or eventuality; what matters is that any action taken by Police Officers is lawful. Action must be proportionate to the competing rights of individuals and any force used should be no more than is absolutely necessary in the circumstances. In this regard, individual officers must be prepared to account for their decisions and to show that they were justified in doing what they did and that they acted reasonably within the scope of the law on the use of force and in compliance of Human Rights legislation.

PROCEDURES

Use of CS Incapacitant Spray
CS Incapacitant Spray (CS Spray) may be used as a response option in circumstances where an officer perceives there is a significant threat of harm or violence and the use of the spray is proportionate to that threat. Its use may be appropriate when lower levels of force have been ineffective, or the officer considers lower levels of force would be inadequate i.e.

- Those offering a level of violence which cannot be appropriately dealt with by lower levels of force; and
- Violent offenders, other than those armed with firearms or similar remote injury weapons, where failure to induce ‘immediate’ incapacitation would increase the risks to all present.

As with the use of any item of PPE the user is responsible for their own actions and may have to justify their decision to use CS Spray and explain the necessity of its use.

Incapacitant sprays are not a replacement for other force options. They are an addition. Only the user can decide when to utilise the spray. CS Spray will only be used in accordance with training delivered by qualified Officer Safety Trainers.

CS Spray is classed as a prohibited weapon under Section 5 (1) (b) of the Firearms Act, 1968, as such any discharge, loss or abuse of a spray will be scrutinised very closely. Under no circumstances will officers possess CS whilst off duty.

Canisters must be returned to an approved cabinet prior to any officer terminating duty.

All authorised officers whilst on duty must at all times carry their proof of CS Incapacitant Spray authorisation.

Only CS Incapacitant spray equipment approved and purchased by the Force will be used. The CS Spray will only be carried in the supplied approved holster/carrier.

**Information about CS Incapacitant Spray**

CS is a white crystalline solid. Its chemical name is 2-chlorobencylidene malononitrile but it is commonly called CS from the initials of Corson and Stoughton who were the first people to synthesise it in 1928.

CS itself is not flammable but some of the solvents, which are used in CS aerosols, are flammable. CS aerosols should not be used where there is a naked flame.

CS sprays should generally be used at distances of between 1 and 2 metres (3 ft - 6ft) from the suspect. At distances closer than 1 metre (3 ft) there is a possibility that the stream of CS solution could exert sufficient ‘hydraulic pressure’ to damage the eye. At distances greater than 2 metres (6 ft)
accuracy is lost and the spray is less effective, particularly in windy weather conditions.

CS sprays do not affect animals in the same way as people. It is ineffective on dogs.

**Requirement to Carry CS Incapacitant Spray**

Only those officers trained and certified in the use of CS Spray will be authorised to carry or use the spray.

All such officers are **required** to carry the spray at all times when outwith a police station on operational duty. Exceptions from carrying CS Spray are, however, only appropriate if authorised by a supervisory officer or as specified in an operational briefing.

Officers working operationally in plain clothes will be subject to the requirement to carry CS spray except where the officer and supervisor considers it would be inappropriate due to operational constraints, e.g. conducting surveillance.

There can be no personal discretion on the carriage of CS spray in normal circumstances since its issue is intended to protect not only the officer who is carrying it but also their colleagues and the general public.

**Training and Authorisation**

Initial training in the use of CS Spray will, upon successful completion of the course, give authorisation to use CS Spray. Authorisation cards will be issued by training instructors and SCoPE records will be updated.

All operational officers up to and including the rank of Inspector will be required to undertake both an annual 8 hour officer safety requalification programme and complete a SPELS training package (online or otherwise). Officers of Chief Inspector rank or above can elect to undertake an abbreviated senior officers assessment course however they should also complete the SPELS package online (or otherwise). All officers should re-qualify in these skills within a 12 month period. Officers will attend for training in possession of their body armour and Personal Protective Equipment (PPE) (except CS Incapacitant Spray).

Appointments will be withdrawn from an officer who has not re-qualified within the stipulated period. Steps must be taken to have an officer re-qualified at the earliest opportunity thereafter. Where an officer fails to re-qualify within the 12 month period, their authorisation to carry and use all PPE has expired.

No officer, regardless of rank, should be deployed on operational duties either outwith their authorisation period, or while carrying their other PPE minus their CS Spray. CS Spray Refresher Training will be incorporated into Officer Safety Training refresher programmes.
Where an officer does not train within the recommended period their authorisation will lapse. The officer will thereafter be unable to carry, use or issue CS Spray, until such time as they have been successfully assessed by an approved Officer Safety Instructor and they will be removed from operational duties until this has been completed as per 9.2.2

**Initial Issue of CS Incapacitant Spray**

Once trained and issued with an authorisation card, a CS canister can be issued by the designated person in each business area, on presentation of authorisation card or having confirmed the authority to carry by scrutinising the Officers SCOPE record.

CS canisters will be personal issue and they will remain with the individual officer until it is replaced by reason of use, damage, expiry, and transfer out of the Service or retirement. Officers who transfer to another post will have responsibility for arranging the transfer or surrender of their personal issue spray.

Following issue, that canister of CS Spray will be the responsibility of the individual officer who will ensure that it remains functional and secure at all times. Their canister remains their responsibility. This is also the case for Special Constables.

The initial issue of a CS Spray canister to any new or transferred officer is governed by local procedure and guidance can be found within the geographical appendices.

**Delivery System**

The irritant is dispersed from a hand held aerosol canister in a liquid stream, which contains a 5% solution of CS in the solvent Methyl Isobutyl Ketone (MIBK). The propellant is Nitrogen.

The delivery system is based on the design of the canister and degree of pressure. These will affect the amount of agent discharged and the range and degree of coverage.

Incapacitant sprays are generally dispersed by:

- A streamer spray, which is a narrow type of spray similar to a water pistol;
- A cone spray, which is designed to engulf the subject’s face, affecting the eyes, nose, lips, mouth and respiratory system; and
- Burst foggers, which are designed to deliver a large quantity of agent under high pressure.
The streamer has been selected at the present time for use by officers because:

- It can be directed accurately;
- It has a longer range; and
- There is less risk of cross contamination.

The spray is dispensed from a hand-held aerosol canister in a liquid stream, which has a maximum effective range of 2 metres (6ft). This stream can be directed very accurately.

At distances of less that 1 metre (3ft) the officer must be aware that there is a risk that the pressure exerted on the eye by the spray can cause hydraulic pressure injuries to the subject. Although there will clearly be conditions under which this may be justified, the officer should consider this risk in their dynamic risk assessment prior to deploying the spray.

Where possible officers should attempt to spray downwind (i.e. with the wind). Spraying upwind (i.e. against the wind) may cause a blowback that could affect officers or members of the public (cross contamination). It is advisable to shake the dispenser at the commencement of each tour of duty and if possible prior to each use. Officers should note that if they use the spray operationally they are likely to detect a strong smell similar to paint thinners. This is the solvent MIBK dispersing into the atmosphere.

The spray should be aimed directly at the subject’s face.

**Use in Still Air**

Officers should use two short bursts with a recommended spraying distance being 1 to 2 metres (3-6ft). They should repeat this technique if the first application is unsuccessful. If the desired effect is not then achieved, officers should consider other use of force options.

**Use in Moving Air**

Two longer bursts may be necessary with a recommended spraying distance being 1 to 2 metres (3-6ft). They should repeat this technique if the first application is unsuccessful. If the desired effect is not then achieved, officers should consider other use of force options.

**Multiple Aggressors**

**NB:** The spray is primarily intended for use against one individual and the canister is designed to deliver 6 seconds worth of spray. However, if the circumstances dictate otherwise it can be used against multiple aggressors.
When faced with more than one aggressor, officers should spray from side to side with a continuous burst aimed at the aggressors' faces.

Once the officer has sprayed a subject they should move out of the attack line (preferably sideways). If practicable they should allow a brief pause for the aerosolised CS spray to dissipate before closing in an attempting to establish control of the subject.

Possible Failure of CS Incapacitant Spray

CS incapacitant spray will not work in all cases. Studies from other countries show that incapacitant sprays do not always produce the desired effects. Failures have been noted on three categories of subject:

- People with serious mental disorders;
- People under the influence of drink or drugs; and
- People with a positive mental mind set/goal.

Officers must not rely on incapacitant sprays to the exclusion of other defensive tactics. There is evidence that some subjects become more aggressive following the use of an incapacitant spray.

Under such circumstances officers may need to use defensive tactics, with or without batons, to establish control and handcuff the subject.

Effects of Contamination

A burst of incapacitant spray into the face will affect the eyes, the respiratory system and the skin. The effect may be instantaneous or delayed, or there may be no effect at all.

<table>
<thead>
<tr>
<th>Eyes</th>
<th>A spray into the face will cause dilation of the capillaries and instant closing of the eyes. Effect can range from severe twitching or spasmodic contraction of the eyelids to involuntary closing of the eyes. People with glasses or contact lenses will be equally affected. Following exposure, contact lenses should be removed by the subject or a doctor for faster recovery.</th>
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<tbody>
<tr>
<td>Respiratory System</td>
<td>If the spray is inhaled it produces either respiratory inflammation or irritation, which in turn, produces uncontrollable coughing and shortness of breath. The inflammation of mucous membranes makes breathing through the nose difficult. Prior to aggressive behaviour a subject's breathing becomes more rapid and deeper than usual which increases the effects of the spray.</td>
</tr>
<tr>
<td>Skin</td>
<td>The spray causes severe discomfort or irritation to</td>
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the face and the membranes inside the nose. Depending on the individual's complexion, skin colour may range from slight discoloration to a bright red. The solvent in the spray may cause blistering of the skin. This again varies on the individual's skin type.

The following reactions may also occur:

- Moving hands to face - dropping any items held;
- Legs become weak - may drop to knees;
- Upper torso bends forward Impaired hearing - may not hear officer commands; and
- Muscles tense - may not respond immediately to commands.

**Immunity**

It is extremely unlikely that anyone can build immunity to CS type incapacitant sprays with repeated exposure, but a subject may become less sensitive to CS, depending on the factors outlined previously.

**POST DISCHARGE PROCEDURES**

**Productions**

All discharged CS spray canisters are to be seized by an on-duty supervisor and retained as productions within the Division / Department they were discharged. Prior to being lodged, the canister must be safely packaged as per the established protocols. If the canister is leaking as a result of damage, defect or operational discharge, it should be placed in a safe location in a well ventilated area until the canister contents are exhausted or unlikely to leak further.

**Aftercare**

There is no evidence of lasting side effects or after effects.

When CS Spray has been used and any subject(s) have been restrained, priority must be given to their Aftercare. This is of the utmost importance not only for those whom the use of spray was intended, but for all that have been affected including Police Officers.

Once an officer has established control by using the incapacitant spray and the person they used it on is correctly restrained, they should follow these procedures: -

- Give reassurance that the effect of the spray is temporary;
- Instruct the person to breathe normally. This will aid recovery and prevent hyperventilation;
• Remove the person sprayed to an uncontaminated area where they can be exposed to cool, fresh air. This will permit the particles to be blown off the body. Exposure to cool, fresh air will normally result in recovery from significant symptoms within 15 minutes;

• Advise the person not to rub their eyes or face, as this will worsen their condition;

• Discourage the person from applying water to the eyes. It may provide some relief but may worsen the long-term recovery;

• If reactions persist beyond 15 minutes the use of copious amounts of cool tap water may be used to flush remaining CS from the face. Irrigation of the eyes should only be undertaken by an FME/Police Surgeon or other specified trained medical personnel. Attempting to irrigate the eyes at an earlier stage when they are being forced closed by the effect of the spray would be futile. Under no circumstances should warm water be used. The use of so-called CS ‘antidote’ or ‘neutralising’ agents has been examined and is not recommended. In some cases the use of these can prove harmful;

• If any adverse reactions are observed, immediate medical assistance should be obtained. It is essential that the subject’s breathing be monitored. If the subject is having difficulty resuming normal breathing the provision of medical assistance must be given precedence over conveying the subject to a police station. **In such cases the subject must be taken directly to a hospital**;

• Ensure that restraint methods used and the position the person is placed in does not adversely affect breathing. Prisoners must not be left in or transported in a prone (face down) position.

The subject should be carefully monitored from the time of arrest, during transportation and whilst in custody until the effect of the incapacitant has worn off. This is especially important in monitoring the recovery of subjects who are obese or are known to be under the influence of drugs and/or alcohol. It is also important to pay particular attention to persons on whom the spray appears to be ineffective and those exhibiting bizarre/violent behaviour or experiencing breathing difficulties;

• Prisoners who have been exposed to CS Spray will be regarded as Special Risk Prisoners and must be monitored continually throughout their period in police custody in accordance with instructions, i.e. 15-minute checks. These checks must be recorded on their custody record; and

• All persons who have been sprayed with CS Spray and in custody must be assessed by the on call FME/Police Surgeon. It is at the discretion of the FME/Police Surgeon whether the custody requires any further examination. It is the duty of the Custody Sergeant to inform the FME/Police Surgeon of a person who has been sprayed with CS Incapacitant Spray.
Notification and Transportation

When CS Incapacitant Spray has been used, Command and Control must be notified as soon as possible in order that appropriate transport can be arranged and that Police Officers and Police Staff employed to deal with custodies are forewarned.

Unless there are exceptional circumstances, custodies/detainees will only be transported in General Purpose vans and at all times be accompanied by at least one other officer, in addition to the driver. Under no circumstances will the driver convey a sprayed person whilst unaccompanied. The use of vans will ensure easier and quicker decontamination than in the close confines, and material construction of seats, in a car.

All arrested or detained persons who have been sprayed with CS will only be taken to Police Stations where there is 24-hour cover. This is to ensure that there are sufficient resources to conduct the checks required for a Special Risk Prisoner.

Cross Contamination Control Measures

Where subjects are brought to a Police Station they should be fully decontaminated before entering.

If the clothing worn by the subject is contaminated they should be provided with a paper suit and their contaminated clothing sealed in polythene bags to prevent any further risk of cross contamination.

Officers and Staff who may come into contact with CS contaminated persons, clothing or other property should wear gloves and utilise other appropriate equipment such as the Ampel Probes to reduce the risks of cross contamination.

Custody/Detention

All persons arrested or detained who have been sprayed with CS will be regarded as Special Risk Prisoners and the Notification of Special Risk Form will be completed.

In the event of such a prisoner being taken to prison the Special Risk Form will accompany the prisoner notwithstanding the fact that he/she may no longer be displaying any obvious effect of exposure. This is to alert staff at the prison to the fact that a prisoner has been sprayed and there may still be some slight chance of cross contamination from him/her or any property or clothing that the prison staff may be required to handle. It also confirms any allegation made to prison staff that the prisoner has been sprayed and will ensure appropriate treatment/decontamination should cross contamination occur.

Police Surgeon/Forensic Medical Examiner
On each occasion where a person has been sprayed with CS an FME/Police Surgeon will be contacted. The decision whether or not to attend and examine the affected person rests with the FME/Police Surgeon, even if the affected person has indicated that they don’t want to be examined.

**Guidance/Advice Notices**

All persons who have been sprayed with CS will be given an advice notice when they are released from custody.

Police officers and others suffering from the effects of CS should also be given the same advice notice.

Where CS Spray has been used within a building the owner/occupier will be issued with an advice notice regarding decontamination procedures.

A guidance notice is also available for custody officers that will be displayed prominently in Custody areas.

**Decontamination of Affected Areas**

In general CS Spray should not be used in closed or confined spaces, but in the interests of officer safety such use cannot be discounted where it can be justified.

Should CS Spray be deployed in buildings, shops or other premises, the owners/occupants must be advised of the decontamination process as follows:

- A well-ventilated room will normally clear of CS Spray within 45 minutes. To enhance decontamination, windows and doors should be left open during this period;
- Contaminated surfaces should be washed with a detergent or hot soapy water and then thoroughly rinsed to remove CS residue (it is advisable that rubber gloves be worn during the procedure);
- Contaminated clothing should be aired on a washing line, allowing any remaining CS particles to be blown off. The clothing should then be thoroughly washed, separately from other items, before being worn again;
- If the effects have not dissipated within one-hour owners/occupants should be advised to seek further advice from the police. An information notice to owner/occupier of premises where CS spray has been used must be left at the locus (see Appendix 3); and
- In shop premises, if it is suspected that any product or other article has been contaminated, it is advised that the produce be removed from display and shop policy referred to, regarding cleaning/ destruction of contaminated goods. Generally foodstuffs, unless sealed in packaging, should be destroyed.
Used CS Incapacitant Spray Canisters

Once a CS Spray canister has been used, even partially, it will be withdrawn from use and replaced, even if it has not been fully emptied. The procedure for recording, packaging and returning used canisters varies nationally and as such users should refer to the relevant geographical appendix.

Issue and Storage - General

This section contains general information in relation to the issue and storage of CS Spray. The content herein is standardised across Scotland. For specific guidance relevant to the users local area reference should be made to the geographical appendices.

CS Spray contains the solvent MIBK, which is flammable. It is essential therefore that every care be taken to ensure that the spray is not used on or near naked flames. This also requires care to be taken over the storage of sprays when not being carried.

Each officer will have responsibility for the security of their issued spray. The area used for the storage of CS Spray must be clearly marked.

Containers should be stored in dry, well-ventilated areas and should not be exposed to direct light or near any open flame. Storage areas must be kept away from public view. Sprays should be stored in the approved storage cabinets held at all Police locations. Storage facilities that contain CS spray should be secured at all times. The key for said cabinet or Airwave locker must kept in a separate lockfast facility.

Smoking is already prohibited in Police Offices and vehicles. Officers are advised not to smoke or to carry lit smoking materials when carrying CS Incapacitant Spray.

A small stock of CS Canisters will be held at offices to replace those used or withdrawn from issue.

Every canister of CS Spray has a unique serial number and will be issued to individual officers against production of their Authorisation Card and signature in the Daily Control Log.

The issue and return of CS canisters will be strictly managed and recorded. Supervisors, authorised in use, will be responsible for ensuring that there is strict control on the upkeep of records.

Occasions may arise where an officer terminates duty at a Police Station other than where they commenced duty and were issued with CS Spray. On such occasions officers may temporarily lodge their CS Spray at the station their duty terminated.
Any officer utilising this facility will ensure that this fact is recorded in the appropriate Temporary Storage Log of the Station where duty was terminated and cross-referenced in the Daily Control Log of the Police Station where the CS Spray canister was initially issued. All sprays temporarily lodged at Stations must be returned to the Station of issue prior to that officer’s next tour of duty, and logs endorsed accordingly. This practice must be kept to an absolute minimum. The Temporary Storage Log/Facility could also be used where officers are temporarily lodging their CS canister at another station for another reason, e.g. attending a training course or directed not to carry by a supervisory officer.

**Situations where carrying of CS Incapacitant Spray may not be appropriate**

The following list is not exhaustive, but is given as examples where the carrying of CS Spray may not be appropriate. There are examples, such as Aircraft, where the carriage of CS is prohibited and examples where the carriage of CS Spray would have to be assessed, when authority not to carry must be sought or given by a supervisory officer. Any such authority must be documented either in the respective officers notebooks or included in an operational order.

**Aircraft (Prisoner Escort)**

Under no circumstances will CS Spray be carried/used on aircraft. Due to the nature of air-conditioning systems on aircraft, any activation of the spray would be carried throughout the plane and into the cockpit with the possibility of affecting all aboard.

**Other Modes of Transport e.g. Vehicles, Trains etc**

Use of CS Spray within the confines of a vehicle is inadvisable, due to the potential for the driver/operator being exposed to the effects of CS and the consequences that might entail in respect of road safety.

**Training Courses**

Officers will not carry CS Spray when attending any training course whether locally or not unless specified otherwise.

**School Visits**

Officers undertaking School Liaison visits or similar duties should seek guidance from their supervisor as to whether they carry CS Spray into these environments.
If officers find themselves in such an environment whilst carrying CS Spray the responsibility for security of the CS Spray remains with the individual officer. They must be vigilant and act in accordance with training.

**Court Attendance**

Officers attending court either as witnesses or to transport or supervise prisoners will carry CS Spray. The specific guidance given below in relation to the use of CS Spray in cells and confined spaces should be adhered to. Escorting officers must also make themselves familiar with the protocols agreed for attendance at prison establishments.

**Prisoner Escort**

Officers may carry CS Spray whilst escorting prisoners to or from prisons or when attending at a prison for any other reason. On arrival at any prison, police officers should immediately notify prison staff that they are in possession of CS Spray in order that appropriate arrangements can be made for the secure storage of the spray.

Agreement has been reached with the Scottish Prison Service to put into place arrangements for the reception at prisons of officers in possession of CS Spray.

Officers attending at prisons will be given access to a secure cabinet within the vehicle lock in order to store their canisters. Prison staff will not handle CS Sprays.

CS Spray will not be carried within the confines of the prison.

The CS Spray will be returned/uplifted by the Police Officers on their subsequent visit to the vehicle lock, prior to exit.

**Cell Areas**

Careful consideration should be given by officers to the use of CS Spray within cell areas. It must be recognised that CS Spray is a defensive as opposed to offensive item of equipment and unless a significant or direct threat of harm is being posed to an officer the use of alternative means of control may be more appropriate.

If it is considered necessary to resort to the use of CS Spray within cell areas, a risk assessment must be undertaken. Officers must take into account such factors as the known medical history of the person who is to be subjected to CS, and the potential effects on other prisoners. Use in cell areas is only to be considered as a last resort.

If CS Spray is used within cell areas the Custody Sergeant will arrange the decontamination of the person sprayed, the subsequent ventilation of the cell
area and instruct a check to be conducted to ascertain if any other prisoner has been affected by the discharge of CS.

The circumstances surrounding any discharge of CS Spray within a cell area will be subject to thorough investigation.

**Crowded Areas**

The use of CS Incapacitant Spray in situations where large numbers of the public are present is inadvisable and has the potential to cause panic.

Officers should be very aware of the dangers of the use of CS in such circumstances and must only use the Spray in accordance with their training, in proportion to the threat that they are facing.

**Confined Areas**

The use of CS Spray in such situations is inadvisable but will not be forbidden. Officers must be aware of the possibility of cross contamination to other persons and contamination of the immediate area, again the spray must only be used in proportion to the threat that is facing the officers.

**Football Matches/Major Events**

Officers detailed to attend football matches or other major events are required to carry CS Spray.

The Police Event Commander, having conducted a risk assessment, may direct specific officers not to carry CS Spray within the confines of the event, however any such authority must be documented and form a specific part of the briefing for the event.

The content of the preceding paragraphs relating to Confined and Crowded areas must be taken into consideration by all officers concerned.

**Station CS Canister Log**

There is a Master Copy form used to record all CS Spray Canisters held at a Police Station, and to account for their storage.

The individual serial numbers and expiry dates of the canisters must be noted and recorded against the name, rank and number of the officer (including Special Constables) to whom it was issued.

Spare canisters must also be recorded on this Log.

It should be used to record future movement of any canisters. This may include used or damaged canisters sent for disposal or the transfer of an officer to another station.
This log forms the Master Copy to account for all CS Spray canisters held at stations.

**CS Daily Control Log**

This will be used to record the daily issue and return of canisters used by personnel in that station and to cross reference with any canisters lodged temporarily at another station due to an officer terminating duty at that other station.

**CS Temporary Storage Log**

This will be used to record canisters temporarily lodged at that station. This may include officers lodging their CS Spray prior to attending as a witness at Court or an officer terminating duty at a station other than where he/she commenced duty. In such an instance a cross-reference must be made on the Daily Control Log at that officer’s normal place of duty.