

Our Ref: IM-FOI-2020-2200
Date: 22 December 2020



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

1. Do you have a written policy, practice, order, direction or other document which sets out your policy on the use of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray by your service members and/or staff?

If the answer is in the affirmative, please provide copies of the current policy version, as well as copies of any version which has been in force at any time from 1 January 2018 to 28 November 2020.

Police Scotland SOPs are publicly available on the Police Scotland website via the following link including Version 2.00 of the Use of Force SOP.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

<https://www.scotland.police.uk/access-to-information/policies-and-procedures/procedures-and-equality-impact-assessments/>

"Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information"

The requested documents are as follows:

- [Use of Force SOP version 2.00](#)

In addition to the Use of Force SOP, the below documents also reference and outline the use of incapacitant spray / PAVA.

The requested documents are as follows:

i) Irritant Spray Guidance Document version 2.00 - published 28/02/2017 - present;

ii) Care and Welfare of Persons in Police Custody SOP:

- Version 15.00 (published 20/02/2020 - present)

This version is currently awaiting publication but in summary I can advise you that one minor change to an internal link applies on Page 28 - 9.7.1 is as follows; 'The Risk Assessment Question Set' now reads 'The Vulnerability Assessment Question Set' and the internal link has been updated. A copy is attached.

- Version 14.00 (published 20/12/2019 - 19/02/2020)

This version is available on the Publication Scheme above

- Version 13.00 (published 30/10/2018 - 19/12/2019)

- Version 12.00 (published 28/08/2018 - 29/10/2018)

- Version 11.00 (published 21/11/2017 - 27/08/2018)

(2) Do you provide or arrange training (of any form, and delivered by any means) for your service members and/or staff, on the use of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray? If the answer is in the affirmative, please provide copies of the current version of the training syllabus/particulars etc. which is delivered as of 28 November 2020. Please note, I am not seeking disclosure of specific training materials or course content, but rather a relatively concise precis of the subject matter/content of the training.

The requested information is attached.

This is the current Module which is taught and is current as of 23/11/2020. This is taught on the initial OST course and the students get a copy of the manual and it is available as an online training facility for all officers to view.

For the avoidance of doubt Police Scotland do not expose recruits to PAVA during either their initial or refresher training.

(3) Do you provide or arrange training (of any form, and delivered by any means) for your service members and/or staff, on first aid etc. to be given following the use of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray in the event that the subject or any other person suffers an adverse reaction to the administration of the noxious substance (such as an allergic reaction, or the loss of or reduction in vision or visual acuity which does not correct promptly and without intervention, or difficulty with breathing, or anaphylaxis, or any other similar adverse reaction)? If the answer is in the affirmative, please provide copies of the current version of the training syllabus/particulars etc. which is delivered as of 28 November 2020, as well as complete copies of all course materials which are deployed/used before, during or after the training.

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This subject matter is addressed within the published [Care and Welfare of Persons in Police Custody SOP](#) provided in our response above.

(4) Do you keep records of incidents involving the deployment of CS incapacitant gas/spray and/or PAVA incapacitant gas/spray where the subject or any other person has suffered an adverse reaction which has required the administration of any first aid etc. referenced in your answer to (3) and/or attention from a registered healthcare practitioner, such as a paramedic, doctor, or nurse? If the answer is in the affirmative, please provide full particulars of the record media/content which would be completed and retained in such circumstances, as well as copies of any document templates etc. which are in use. Please note, I am not seeking information concerning any particular or specific "real" incident which might have transpired, but rather information concerning the information/datasets which you **would collect following a relevant incident, as well as copies of the forms/paperwork templates, which would be used to gather/record that information/dataset.**

If a Police Scotland employee or any third party is adversely affected during PAVA deployment this would be recorded using our Scope Accident/Violence recording form – see attached.

The form also records the type of treatment administered in very broad terms for example - first aid provided, taken to hospital and released etc. Unfortunately we do not have any physical document templates - the form is an electronic one, completed within the injured person's personnel record. It records standard accident information including what happened, where and time/date etc.

Where a prisoner has been exposed to PAVA spray, this will be recorded on the National Custody System and the appropriate welfare steps undertaken - again I would refer you to the published [Care and Welfare of Persons in Police Custody SOP](#) provided in our response above.

Neither of these processes offer the opportunity for the collection of data for statistical purposes - therefore section 17(1) of the Freedom of Information (Scotland) Act 2002 applies: notice that information is not held.

Should you require any further assistance please contact Information Management - Highland & Islands Divisional Headquarters on 01463 720508, quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

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You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.