

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Irritant Spray
REFERENCE NUMBER	WMP057
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	LOCAL POLICING
BUSINESS AREA	OPERATIONS

INITIAL IMPLEMENTATION DATE	April 2020
NEXT REVIEW DATE:	August 2023
RISK RATING	HIGH
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@westmercia.pnn.police.uk

1.0 POLICY OUTLINE

The Home Office has approved the use of irritant sprays by police officers as a tactical option to manage conflict.

As the use of irritant sprays is a criminal offence under Section 5 (1) (b) of the Firearms Act 1968, this policy governs the management, handling and use of irritant sprays to ensure compliant with the Home Office mandate.

Failure to comply with the terms of the policy and associated procedure may result in officers and staff being subject of disciplinary or criminal action.

2.0 PURPOSE OF POLICY

The policy and associated procedure cover the following areas of responsibility:

- Procurement of the appropriate, approved device for use by officers.
- Delivery of training to police personnel.
- The management, storage and disposal of irritant sprays.
- Auditing irritant sprays.
- Risks associated with the use of irritant sprays.

3.0 IMPLICATIONS of the POLICY

Consider other implications of the policy and make comment **only** in those areas of significance. The following **must** be considered:

- ◆ Code of Ethics
- ◆ Police use of force is governed by Common Law, specified legislation and is applied using the National Decision Model (NDM). The NDM has the Code of Ethics as a core consideration throughout this process.
- ◆ Code of Practice on the Management of Police Information;
- ◆ Auditable records may be subject of the Management of Police Information as will recorded use of force. The policy and procedure require that officers maintain records of issue, use and disposal of police issue irritant spray.
- ◆ Risks / Health and Safety considerations;
- ◆ Force Risk Assessment 26 applies to police use of irritant sprays.
- ◆ Human Rights / Equality / Data Protection / Freedom of Information;
- ◆ Police use of force must be considered against the Human Rights Act and European Convention on Human Rights, however does not cause specific issues to particular persons or groups. Data held by the organisation may contain personal information in respect of employees and officers, therefore this must be considered when providing data for public consumption (Freedom of Information requests, etc.)
- ◆ Legal considerations;
- ◆ Police use of force is governed by Common Law and specified legislation, examples of which are listed below:
- ◆ Section 117 of the Police and Criminal Evidence Act 1984
- ◆ Section 3 Criminal Law Act 1967

- ◆ Financial Implications;
- ◆ Good management and auditing of police irritant sprays will have a positive, but not dramatic, effect on financial implications, with the intention of reducing the number of unused canisters
- ◆ Implementation requirements (an implementation plan should be included where necessary).
- ◆ The policy has been written to cover an existing procedure, therefore there are no significant implementation requirements.

You may also need to consider the following:

- ◆ Staffing / Training;
- ◆ Police irritant sprays are already in circulation to those members of staff permitted to use them. Training is conducted as part of Officer Safety Training and follows the College of Policing curriculum as laid down in the Personal Safety Manual Module 09.
- ◆ Impact on Partners;
- ◆ There is no impact on partner agencies.
- ◆ Bureaucracy.
- ◆ The policy and procedure aim to provide a better method of recording the data held by use of electronic systems. Whilst the proposed process is accessible to all it is better than the current unaudited paper-based system.

4.0 PROCEDURE

See separate document

6.0 CONSULTATION

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Ch Supt LP	April 2021

This procedure document associated to this policy has been submitted to the following departments for consultation:

Procurement
Tactical Training
Operations
Property Management
Health and Safety
Critical Friends group
Exec Board

5.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
Mar 2020	D Pyle	Policy to accompany established procedure and reverted to West Mercia	JNCC 01/04/2020
Apr 2021	K Monaghan	Reviewed - No changes	April 2022
Jul 2022	K Monaghan	Reviewed - No changes	August 2022

7.0 ASSESSMENT AND ANALYSIS

The Equality Analysis (EA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.

8.0 MONITORING / EVALUATION

The monitoring and review of this policy is the responsibility of the policy owner.