This policy is suitable for Public Disclosure

Owner of Doc: Head of Department, Operational Support
Date Approved: August 2003
Review Date: January 2017
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1. Policy Identification Page

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<th>Administration and Audit of CS Spray Policy</th>
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<tr>
<td>Registry Reference number:</td>
<td>08/233</td>
</tr>
<tr>
<td>Policy implementation date:</td>
<td>August 2003</td>
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<td>January 2017</td>
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<td>Department / Division responsible:</td>
<td>Operational Support</td>
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<td>Policy owner:</td>
<td>Head of Department</td>
</tr>
<tr>
<td>Last reviewed by:</td>
<td>T/Insp. J. Ashley  Date last reviewed: January 2015</td>
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<tr>
<td>Impacts on other policies / guidance / documents (list):</td>
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</tr>
<tr>
<td>Manual of Guidance on the Police Use of Firearms</td>
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<tr>
<td>Police Use of Firearms and Less Lethal Options</td>
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Security Classification: NOT PROTECTIVELY MARKED

Disclosable under FOI Act: YES

Policy to be published on Intranet YES
Policy to be published on Force Website YES
2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with the Equality Act 2010 and meet our legal obligation in relation to the equality duty. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Introduction

CS Spray was introduced to Derbyshire Constabulary in 1997 in order to provide additional personal protection to officers conducting operational duties.

The particular legal status of CS Spray requires detailed policy on its administration and management to ensure that its use is properly controlled in the interests of public and officer safety and confidence.

The provisions of the following legislation have been considered: -

- Section 5 (1) b of the Firearms Act 1968
- Health and Safety at Work Act 1974
- Health and Safety at Work Regulations 1992
- Control of Substances Hazardous to Health Regulations 1999
- Data Protection Act 1998
- Human Rights Act 1998

4. Policy Statement

Derbyshire Constabulary recognises its duty to protect the Health and Safety of its staff and the need to provide an efficient, effective and workable system to govern the administration, storage, disposal and audit of CS Spray.

We will ensure that: -

- Effective procedures are in place relating to the safe storage, surrender, issue, disposal and administration of CS Spray.
- We identify those with specific responsibilities for the administration and audit of CS Spray.
- Uniform procedures are adopted throughout the Force in relation to the storage and administration of CS Spray.
- Health and Safety guidelines are complied with.
- The security and integrity of systems are maintained.
5. Procedures

Area of Responsibility

Divisional Commanders will appoint an ‘Administrator’ to be responsible for the management and audit of all issues associated with CS Spray.

The CS Administrator will ensure that a register of forms is maintained and that the divisional CS Database, which includes the expiry date of all CS Sprays allocated to the Department/Division and the current location of each spray, is maintained and updated.

The CS Administrator will be responsible for conducting regular checks of the CS Database on at least a quarterly basis to identify any CS Sprays that have reached their expiry date. CS Sprays on reaching their expiry date will be taken to divisional custody suites where they will be withdrawn from use.

An officer from each divisional custody suite will be nominated and have the responsibility for the ordering, issue, movement, storage and disposal of CS Spray and for the portable CS Spray facility. In that officer’s absence, the Custody Officer will undertake the role.

Section Inspectors will designate a supervisor at their section who will have responsibility for CS Spray. This officer will carry out a quarterly audit at their section, in conjunction with the CS Spray Administrator, to ensure that force policy is being complied with. This audit will include a scrutiny of the CS Database and physical checks of all lockers to ensure sprays are stored correctly and that officers have the correct spray and locker allocated.

The nominated officer from divisional custody suites will ensure that temporary issue CS Spray required for use at incident rooms, PSU duties etc is stored in a secure location – normally the custody suite. The issue of the Portable Divisional CS Storage Box is governed by Form 743 ‘Issue of Portable CS Storage Box’ (Appendix A). Both the box and canisters are issued and returned against officer signature.

The nominated officer from each divisional custody suite with responsibility for CS Sprays held within that suite will carry out a quarterly audit. They will check that they have sufficient quantities of CS Spray in stock for issue. All relevant sprays will be sent to the CS Administrator so that the Divisional Database can be updated. In addition they should ensure that the temporary issue CS Sprays are accounted for and within their expiry dates.

The Divisional CS Administrator, as part of the quarterly audit, will liaise with the nominated officer from the divisional custody suite.

Administration

The nominated officer from the divisional custody suite will order new sprays.

Only police officers, to include members of the Special Constabulary, will collect or transport sprays.

Issue and Storage

Supplies of CS Spray will only be held at and issued from designated Custody Suites. No other stations will hold supplies for issue.
Once an officer has obtained a CS Spray locker and key from the designated supervisory officer at their section, then they should attend a divisional custody suite to be issued with CS Spray. The issuing officer within custody will check that the officer is qualified to hold CS Spray by examining their officer safety authorisation record as held by Training Services.

CS Spray will only be stored in secure lockers which have been supplied and which comply with all relevant Health and Safety legislation.

The officer responsible for CS Spray at section level will issue CS lockers and the keys to those lockers. They will therefore be responsible for:

- Security of unallocated and duplicate keys.
- Maintaining the issue of lockers register and issuing keys and lockers to officers against signature.
- Responding to requests from the Divisional Administrator for information about locker issue.

Divisional Administrators will receive a copy of the establishment order for new members of staff on their Division. Upon receipt of an establishment order the Divisional Administrator will send a request to the designated officer at the relevant section for details of the officer’s locker and key number. The designated officer at each section will supply this information and the divisional administrator will ensure that it is entered onto the CS Database.

When an officer is transferred within the Division or leaves the Division their CS locker key must be surrendered. The designated officer at each section should notify the Divisional Administrator as to the change in lockers. The Administrator will then update the CS Database.

A master key will be retained by the designated supervisor at each section to enable the quarterly audit to be conducted to ensure that force policy is being complied with. The master key will be retained in a locked drawer/cabinet to which only the designated supervisor has access.

The Divisional Administrator will also retain a copy of the master key for the lockers at each section. This key will also be secured in a locked drawer or cabinet.

Officers on temporary attachment at a station other than their ‘home’ station should take their CS Spray with them. They should arrange, with the designated supervisor in charge of the administration of CS spray for that station, to provide a temporary locker for the duration of their attachment.

See Appendix B for flow chart showing the processes for issue and storage of CS spray.

**Surrender of CS Spray**

CS Spray canisters will be surrendered if they have been used, have expired, if they are damaged or when an officer is leaving the force.

CS Sprays will only be surrendered at designated custody suites.

The officer within the custody suite receiving the spray will ensure that the register of used spray is updated by completing Form 755 ‘Used CS Incapacitant Spray Storage Register’. Once surrendered the CS Spray should be placed into an exhibit bag and
correctly sealed. The Custody Officer receiving it will place it in the used CS Spray locker and issue a replacement.

When an officer from another division is surrendering CS Spray the officer receiving the canister will complete Form 756 ‘CS Incapacitant Spray Movement Sheet’ and send a copy to the CS Administrator at the officers ‘home’ division. This will have to be done every time an officer from Operational Support or Crime Support draws a new CS canister as they have no ‘home’ designated custody suite.

All canisters that have been fired should be retained on division for a period of six years. They should be stored in date order and clearly marked to prevent disposal. A canister which has been fired should be accompanied by Form 2016 ‘Use of Force’ as well as Form 755. A copy of Form 2016 should also be sent to Headquarters, Corporate Services.

All canisters which are surrendered to custody suites should be stored upright to prevent leakage. Sprays which have not been fired should be taken to Headquarters Firearms Support on a quarterly basis or when there is insufficient space left to store.

The nominated officer within custody will be responsible for the movement of surrendered CS Sprays within their division. This will include the movement of surrendered sprays to the Firearms Support Section at Headquarters.

Firearms Support is the only location to which all surrendered CS Sprays identified for destruction should be sent.

When the canisters are sent to Firearms Support for destruction they should be double bagged in custody property bags and sealed with a property tag to ensure integrity.

When there are over 100 sprays in stock, Firearms Support will contact Contracts and Supplies to arrange for ‘Prime Take’, the suppliers of the CS Spray, to collect and destroy them.

See Appendix for flow chart showing procedures for the surrender of CS Spray.

Security

Officers are personally responsible for the security of their personal issue spray and any issued on a temporary basis. Officers are reminded that the spray is a Section 5 Firearm.

Officers must ensure that at the end of their period of duty their canister is securely stored in their CS Spray locker. Supervisors will perform random checks to ensure that this requirement is being complied with. All supervisors will make a record of these checks in their pocket notebooks.

Designated supervisors at section will be responsible for the retention and security of unallocated and duplicate locker keys in a way that the security will not be compromised.

An officer transferring to another section or division will take their CS Spray with them to their new place of work where they will obtain a new CS Spray locker and key.

Officers will not be in possession of their spray other than when on duty. A transferring officer will be allowed duty time to take their CS Spray to their new workplace.
6. Monitoring and Review

The Head of Department, Operational Support is responsible for monitoring the implementation and impact of this policy.

The policy will be reviewed every two years and the outcome of this monitoring will inform the review.

7. Appeals Process

If a member of staff has an issue with the application of this policy they should raise this in the first instance with their line manager. Staff may have recourse to the Dispute Resolution Procedure.

Members of the public who take issue with the application of this policy have recourse to the police complaints system.

8. Appendices

Appendix A – Issue of Portable Divisional CS Storage Box
Appendix B – Flowchart showing the procedure for Issue of CS Spray
Appendix C – Used CS Incapacitant Spray – Storage Register
Appendix D – CS Incapacitant Spray – Movement Sheet
Appendix E – Flowchart showing procedure for the Surrender of CS Spray
I acknowledge receipt of portable Divisional CS storage box containing ...... x CS sprays, one warning notice and issue register. I understand this box is to be transported under Police supervision and must be returned to the Divisional Custody Suite when not at an event.

**DIVISION AT WHICH BOX IS KEPT**

<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
<th>Date</th>
<th>Receiving Officer Signature</th>
<th>Issuing Officer Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<table>
<thead>
<tr>
<th>Event</th>
<th>Time</th>
<th>Date</th>
<th>Returning Officer Signature</th>
<th>Receiving Officer Signature</th>
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APPENDIX B

FLOWCHART SHOWING PROCEDURE FOR ISSUE OF CS SPRAY

Designated Supervisory Officer issues CS locker on Section, and informs CS Administrator to enable the CS Database to be updated.

CS Spray can then be issued to an officer, who is qualified to hold it, from a designated divisional custody suite.

Once an officer has been issued with CS Spray it is **their responsibility** to ensure that the spray is stored correctly and according to Force Policy.

N.B.

If an officer transfers Stations or Divisions they will retain their CS Spray and take it to their next posting. Duty time will be allowed to accomplish this.

For occasional duty away from home station e.g. football matches the officer will draw CS Spray from the portable CS storage box against signature.
# Form 755

## Appendix C

### USED CS INCAPACITANT SPRAY - STORAGE REGISTER

This form will be completed in respect of any CS Canister which is to be placed in the 'Used' store. This includes sprays which have been fired, either intentionally or accidentally, are defective, or which had been issued to an officer who has retired or otherwise left the Force.

Complete the form and endorse details on the index page.

<table>
<thead>
<tr>
<th>Canister Serial Number:</th>
<th>Date Returned to Used Store:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Officer Details <em>(block capitals)</em>:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reason for Return to Store <em>(cross as appropriate)</em>:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fired [ ] Defective [ ] Accidental [ ] Left the Force [ ] Other [ ] Expired [ ] <em>(give details)</em></td>
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</tbody>
</table>

If Fired, prisoner details:

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname:</td>
<td>Custody No:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Storage Bag Serial No:</th>
</tr>
</thead>
</table>

If bag opened for any reason, complete following *(remember to amend index page)*

<table>
<thead>
<tr>
<th>Date</th>
<th>New Serial No</th>
<th>Officer Details/Signature</th>
<th>Reason for Opening</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Removal From Store - Temporary or Final Disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>------</td>
</tr>
</tbody>
</table>

Weed Date:
A CS Spray has recently been changed at the above station by the officer mentioned below. The details of the Spray which has been issued to the officer should be entered in your issue register for audit purposes. If the spray has been used a Use of Force Form should be completed and a copy attached.

**Details of Officer**

Name .........................  Rank .......  Number ......  Division ............  Section .........

**Details of Deposited Spray**

Spray Ref No .......................  Division where the spray was issued .....................

Reason for surrender:
Fired [ ]  Defective [ ]  Accidental [ ]  Left the Force [ ]  Other [ ]  Expiry Date Reached [ ]

If used:  Date .....................  Time .................

Now stored at .......................  Custody Suite.  Register Reference .....................

**Details of New Spray Issued**

Spray Ref No .......................  Date Issued ..................  Expiry Date .....................

Officer signature confirming receipt ..............................................................

**THIS FORM IS TO BE USED WHENEVER AN OFFICER DEPOSITS A CS SPRAY AT, OR COLLECTS A CS SPRAY FROM A CUSTODY SUITE OTHER THAN THEIR 'HOME' DIVISION. THE FORM SHOULD THEN BE SENT TO THE CS ADMINISTRATOR OF THE OFFICER'S 'HOME' DIVISION.**
APPENDIX H

FLOWCHART SHOWING PROCEDURE FOR THE SURRENDER OF CS SPRAY

CS Spray only to be surrendered at designated Divisional Custody Suite.

Fired

Form 755 (CS Storage Register)
Form 2061 (Use of Force)
To be completed

Expired/Defective/Damaged/Officer Left Force

Form 755 (CS Storage Register)
To be completed

Form 756 (CS Spray Movement Sheet) to be filled out if officer surrendering spray is from a different Division. Form 756 is then sent to the CS Administrator at the officers ‘home division’.

Where fired, canister is then sealed in exhibit bag with Form 2016. (A copy of Form 2016 is sent to Corporate Services HQ). If used operationally to be retained on Division for 6 years clearly marked and stored to prevent accidental disposal.

Canister is then sealed in exhibit bag with Form 755.

All canisters, once surrendered, to be stored upright in used CS Lockers in custody suites.

Once there are sufficient canisters in divisional custody suites (or at least on a quarterly basis) the nominated officer within Custody will arrange for the movement of unused sprays to Headquarters Firearms Support.

The Sprays will only be transported by a police officer or special constable.

The sprays sent to HQ Firearms Support will be double bagged in custody property bags and sealed with a property tag.