

Office of the Police Ombudsman for Northern Ireland:

Analysis of complaints involving CS Spray and its use by the PSNI 1 April 2004 – 31 March 2010

A report under Section 60A of the Police (NI) Act 1998

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Foreword

As the organisation tasked with dealing with complaints from the public concerning police actions, the Police Ombudsman's Office is in the unique position to see both the range and frequency of situations which give rise to such complaints. We then make recommendations, where appropriate, and monitor outcomes in an attempt to avoid re-occurrences of inappropriate conduct or practice.

One of the issues in which this Office has been involved over the years is the investigation of the use of CS Incapacitant Spray, which is described as a less-than-lethal weapon. The Office has been investigating incidents involving the use of CS Spray since 2004 and I considered that we could add value to public and police knowledge through an analysis of its use by police over those years.

Accordingly, this report provides: an overview of complaints and allegations involving the use of CS Spray from 1 July 2004 to 31 March 2010; an in-depth analysis of CS Spray complaints for the period 1 April 2009 to 31 March 2010; and an analysis of all incidents relating to CS Spray from 1 July 2004 to 31 March 2010.

Whilst the recommendations are focused on individual outcomes and learning for the PSNI, there are broader issues contained within the report, which will also be of interest to the Policing Board and the community.

There are issues for review by the PSNI and the Policing Board. For example, complaints about the use of CS Spray are proportionately higher in Northern Ireland than in Greater Manchester, the West Midlands and Strathclyde. Whilst that may be a result of our system of complaints, it is worth examining. Similarly, there are clear trends with respect to demographics for both the police officers and the complainants, as well as times and locations of the occurrences. The information on these 'hot spots', including Districts attracting the highest number of complaints, may assist the PSNI with some targeted training.

I would like to thank my staff and acknowledge their effort in producing this report. I believe it will provide valuable information for the PSNI and the Policing Board so that when less-than-lethal options are used, in this case CS Incapacitant Spray, they are used proportionately and, of course, lawfully and only when necessary. Training and monitoring are important associated accountability factors.

Al Hutchinson

Police Ombudsman for Northern Ireland

Executive Summary

This policy and practice investigation report provides an overview of policy recommendations in respect of CS Spray made by the Office of the Police Ombudsman for Northern Ireland to the Police Service of Northern Ireland. Between 2004/05 and 2009/10 the Police Ombudsman made 35 policy recommendations regarding the use of CS Spray, in relation to training, aftercare, storage, recording or other areas. All of these recommendations were accepted by PSNI and incorporated into policy and practice.

This report also provides:

An overview of complaints and allegations received from 1 July 2004 to 31 March 2010

- Between 1 July 2004 and 31 March 2010 there was a total of 403 complaints and 56 Chief Constable referrals involving CS Spray received by the Office.
- CS Spray allegations generally make up between one and two percent of all allegations received annually.
- Over half (57%) of CS Spray complaints are associated with arrest.
- The majority of CS Spray allegations (83%) relate to Oppressive Behaviour.
- Across policing districts, between 1 July 2004 and 31 March 2010 A District accounted for the highest proportion of allegations received (23%) and North Belfast Area had the greatest proportion of allegations (18%).
- More than half of CS Spray allegations (58%) related to incidents that occurred at the weekend.
- Between 1 July 2004 and 30 November 2008 nine percent of complaints relating to CS Spray were closed with action arising or as substantiated with no action recommended. Between 1 December 2008 and 31 March 2010 fewer than one percent of recommendations made against allegations were with action arising or substantiated with no action recommended.
- Just over a third of complainants (excluding Chief Constable referrals) provided equality monitoring information, such as their religious belief and ethnic

background. Of complaints with available information, 79% of complainants relating to CS Spray were male and 21% were female; 25% were male aged 25 to 34; 57% were Catholic, 38% were of other Christian faiths and 6% had no religious belief; 96% were white; and 58% were single.

An in-depth analysis of complaints received from 1 April 2009 to 31 March 2010

- Fifty complaints received between 1 April 2009 and 31 March 2010 related to CS Spray incidents, 5 of which involved CS Spray being drawn only or not directly used on the complainant.
- In over two thirds (68%) of complaints CS Spray was discharged in an open space.
- Over half of incidents (54%) occurred on a roadway.
- Almost one third of CS Spray discharges (32%) were within a distance of 1 and 4 metres.
- Almost half (48%) related to an incident involving an assault on a police officer or another party.
- Sixty percent related to the use of alcohol.
- The majority of incidents (88%) involved only one discharge.
- The records available suggest that aftercare was not given in 16% of incidents.
- In 38% of incidents bystanders were affected.
- In the majority of complaints where it was applicable (28 out of 30) the person sprayed had been seen by a doctor.
- Male officers generally and younger male officers in particular are more likely to be associated with CS Spray use. Constables are also more likely than other ranks to be associated with its use. There was a higher than expected proportion of officers with 0 to 5 years' service associated with CS Spray incidents (71% compared with 31% overall) and a lower than expected proportion with 11 or more years' (15% compared with 56% overall).

An analysis of all incidents relating to CS Spray from 1 July 2004 to 31 March 2010

- There was a downward trend in CS Spray discharges between 2007/08 and 2009/10 and an increasing trend of it being drawn but not used.
- More than two fifths (44%) of incidents occurred between midnight and 3am.
- North Belfast Area had the highest proportion of all Areas of CS Spray being drawn or used (11%).
- Eighty one percent of incidents were associated with officers assigned to Mobile Patrol.
- The use or drawing of CS Spray was more likely to be by officers with relatively short lengths of service (excluding less than one year's service).
- In more than one fifth of incidents (21%) the officer's training was outside the recommended period of 12 months.
- Over one third of incidents (37%) related to public order.
- Over half of incidents (54%) occurred on a roadway.
- In 38% of incidents the reason for the use of CS Spray was protection of self.
- In comparison with 3 of the most similar UK Police Forces, PSNI had received a relatively high number of complaints.

Recommendations

1. That PSNI reinforces the need for officers to issue a warning prior to the use of CS Spray.
2. That, where practicable and where it does not delay transportation of prisoners, and when it does not compromise the safety of officers or other individuals, police officers provide CS3 forms to bystanders who are affected by CS Spray.
3. That Custody Officers ensure that custody records detail that enhanced cell supervision of persons who have been CS Sprayed has taken place, recording the level of observation and reminder times and reasons.
4. That Custody Officers ensure that they record whether a CS3 form has been given. It is also recommended that the CS3 form is given when the person first arrives at the station.

5. That PSNI add a field to the electronic use of Force Monitoring System to record details of justification for spraying whilst restrained.
6. That PSNI add a field to the Use of Force Monitoring System to record whether another officer used their CS Spray at the same incident, where practicable.
7. That PSNI add a section to the Use of Force Monitoring System to record which elements of aftercare were given.
8. That police officers highlight to the detained person suffering from the effects of CS Spray that they might be kept outside for a further 20 minutes at the station before being taken into the custody suite to allow the CS particles to disperse.
9. That PSNI ensure that all operational officers receive annual refresher training in the use of CS Spray.

PSNI Response

The Police Ombudsman informed the PSNI of the above recommendations prior to the publication of this report and received the following response:

We of course welcome the report by the Police Ombudsman. As a Service committed to providing professional and protective policing, we plan to implement the recommendations contained in the report.

Introduction

Legislation

The Police Ombudsman's Office was established under the Police (Northern Ireland) Act 1998 in order to provide an independent system for investigating complaints against the police in Northern Ireland.

Section 60A of the Police (Northern Ireland) Act 1988 [as inserted by Section 13 of the Police (Northern Ireland) Act 2003] empowers the Police Ombudsman ("the Ombudsman") to investigate current policy or practice if:

- the policy or practice comes under attention under Part VII of the Act
- he has reason to believe it would be in the public interest to investigate the policy or practice.

Section 55 of the Police (NI) Act 1998 enables the Secretary of State / Department of Justice, Chief Constable, Northern Ireland Policing Board (NIPB) and Director of Public Prosecutions (DPP) to refer to the Ombudsman matters not complained of and empowers the Ombudsman of his own volition to investigate non-complaint matters.

The RUC (Complaints Etc) Regulations 2000, Regulation 20 states that at the end of an investigation of a matter investigated under Section 55 the Ombudsman shall send a copy of the report on the investigation to the NIPB and the Chief Constable, unless they have already received a copy of the report under regulation 18, and to the Secretary of State / Minister of Justice.

Background

This report sets out legislation and guidance related to the use of CS Spray by Police Service of Northern Ireland (PSNI), examines trends and patterns in complaints and incidents involving CS Spray, and details related recommendations made by the Ombudsman's Office with the associated PSNI responses.

The report comprises four main sections:

- An analysis of complaints and referrals involving CS Spray which were received by the Office from 1 July 2004 to 31 March 2010. This includes location and timing of incidents, factors underlying complaints, profile of the complainants and the outcome of complaints, with comparison figures for all allegations received during this period;
- An overview of CS Spray policy recommendations and the PSNI response;
- An in-depth analysis of complaints¹ relating to CS Spray which were received by the Office between 1 April 2009 and 31 March 2010. This includes an examination of the circumstances surrounding the incident and a profile of police officers associated with CS Spray allegations; and
- An analysis of all CS Spray incidents recorded by PSNI from 1 July 2004 to 31 March 2010.

This report draws on a number of sources of information including:

- Complaints recorded up to November 2008 on the Office's electronic Complaint Management System (CMS) and from December 2008 on the Office's new electronic Complaint Handling System (CHS);
- Complaint files including custody and medical records, PSNI use of force monitoring information, statements of witnesses, complainants and police officers;
- PSNI data on the use of force (all incidents relating to CS Spray);
- A nominal roll of police officers from PSNI;
- Observations and discussions with training staff at Northern Ireland Police College, Garnerville and Steeple Barracks, Antrim;
- PSNI Policy Directive 07/07 on public order and the use of force;
- PSNI Personal Safety Programme manual;

¹ Hereafter includes complaints and Section 55 referrals.

- Discussions with members of staff from the PSNI Conflict Management Development Unit; and
- NIPB Annual Report 2010 – Monitoring the Compliance of the Police Service of Northern Ireland with the Human Rights Act 1998.

During the period 1 July 2004 to 31 March 2010 the Police Ombudsman's Office received 403 complaints and 56 Section 55 referrals, involving 488 allegations in relation to CS Spray. The 488 allegations represented 1.5% of the total allegations received during that period. All incidents of CS Spray use after its introduction from 6 August to 31 December 2004 were automatically referred to the Office.

Background to CS Spray, its introduction and its use in the PSNI

CS Incapacitant Spray (CS Spray) is an irritant dispensed from a hand held aerosol canister in a liquid stream, which contains a 5% solution of CS in the solvent Methyl Isobutyl Ketone (MIBK). There is a flip up lid on the canister and once opened it is available to spray. The liquid stream has a range of 4 metres, with optimum accuracy achieved between 1.25 and 2 metres from the canister to the eyes of the person sprayed (subject).

Its effects may be delayed for up to 20 seconds. The particles left on the person may cause pain and discomfort in their eyes, involuntary spasm of the eyelids, blinking/closure of the eyes, a burning sensation on the skin, excess salivation, constriction of the chest, sneezing, coughing and retching. The person may put their hands to their face and drop to their knees. The effects last for an average of 20 minutes. For further medical effects please refer to CS4 in the appendices.

CS Spray is issued to all officers who have been trained in the Personal Safety Programme and is worn as part of the normal patrol equipment. It is not a replacement for other use of force options, but rather an additional less lethal option.

CS Spray was introduced to the PSNI on 1 July 2004, and the first complaint was received on 14 July 2004, which related to an incident that occurred on 11 July 2004. At the request of the Chief Constable, the Ombudsman entered an agreement on 6 August 2004, that all usages of CS Spray would be referred to the Office under Section 55 (4) of the Police (NI) Act 1998. The Police Ombudsman's Office investigated every use of CS Spray during the period from 6 August to 31 December 2004.

On 28 October 2004 the Ombudsman wrote to the Deputy Chief Constable alerting him to concerns regarding CS Spray use, and making recommendations. The police acted on these recommendations, some of which related to the anti-tamper seal on the CS Spray canister.

Initially there was an anti-tamper/integrity seal on the CS Spray canister but this caused problems for police officers, who often focused on breaking the seal, distracting them from dangerous situations. There were other issues around the breaking of seals with some even breaking whilst being carried. The delay involved in breaking the seal often gave the assailant more time to get close to the officer and on occasions led to close proximity spraying. These, and other similar problems, all compromised the safety of officers. After several internal reviews and an independent review it was concluded that the seals were not fit for purpose. On 25 April 2007 all officers were informed that the seals would be phased out. After this date, when canisters were examined at the normal monthly inspection, they were weighed as usual, returned for the seal to be removed and reweighed to account for any minor discrepancies.

Guidelines

Powers relating to the use of force are contained within:

- Common Law;
- Section 3 of the Criminal Law Act (NI) 1967; and
- Article 88 Police and Criminal Evidence (NI) Order 1989 (PACE).

The PSNI have detailed guidelines to adhere to when using or threatening to use CS Spray and must comply with the PSNI Code of Ethics. General Order 28/2004 was replaced by Policy Directive 07/07 which sets out the following key guideline.

Officers should bear in mind that misuse of CS Incapacitant Spray may amount to assault, a breach of Article 8 of the European Convention on Human Rights (ECHR: right to private life including physical integrity) or in extreme cases a breach of Article 2 and or Article 3 of the ECHR (right to life and prohibition from torture, inhuman or degrading treatment).

As per the ECHR, police officers have the right to defend themselves from unlawful physical violence and have a duty to protect others. The use of force including CS Spray against a member of the public should be lawful, necessary and proportionate.

The PSNI approach to the use of force is based on the Conflict Management Model, which stresses that the careful use of words and the management of human interaction can resolve many situations. Article 4.1 of the PSNI Code of Ethics 2008 states that police officers “in carrying out their duties, shall as far as possible, apply non-violent methods before resorting to the use of force or firearms. They may use force or firearms only if other means remain ineffective or without any realistic chance of achieving the intended result”. CS Spray is only one of the range of options available on the use of force continuum when dealing with violent or potentially violent people and should be used as part of the Conflict Management Model. The model incorporates using the profile of the subject’s behaviour; the

officer's and subject's impact factors and then making a decision based on the response options available.

Use of CS Spray

CS Spray is not intended to be used in major incidents of public disorder. It may be appropriate when dealing with a level of violence that cannot be suitably dealt with by other levels of force. It is not however appropriate on violent offenders who are armed with firearms or similar weapons, where failure to immediately incapacitate would put others at risk.

When intending to use CS Spray, police officers should identify themselves and give a clear warning of their intent to use it. If officers deem a warning inappropriate they will be required to justify that decision. The wording of the warning should be "I am a police officer. If you do not comply with my instructions I will use CS Spray".

The CS Spray should not be used at a distance of less than one metre, in an enclosed area, on a restrained or handcuffed person or as a crowd dispersal tactic. However there are exceptions and officers must be prepared to justify their decision to use it in the above circumstances.

Additional factors may need to be considered when dealing with vulnerable groups including children, those who are mentally ill and those affected by alcohol or drugs.

Policy Directive 07/07 and training lesson plans are regularly reviewed and updated by PSNI Ops Support Department and Training Branch, with input from Human Rights advisors. These updates incorporate policy recommendations from the Ombudsman's Office.

Aftercare

An important aspect of using CS Spray is the aftercare given to the person and bystanders who are affected. Officers should remember that people suffering the effects of CS Spray may have difficulty hearing properly and so officers should repeat short statements in a louder voice. They should be reassured that the effects are temporary, and instructed to breathe normally. If possible the person should be

moved to an uncontaminated area, preferably with access to fresh air, which may remove the particles from the body. They should also be advised not to rub their eyes or face and encouraged to open their eyes to allow tears to flush away the CS particles. A person who wears contact lenses must be given the opportunity to remove them at the earliest opportunity as they may experience greater discomfort.

The use of control methods and the position of the person sprayed should be carefully considered so as not to adversely affect their breathing. Detained prisoners must not be left or transported in a prone position (see Appendix).

The physical condition and life signs of a detained person must be carefully and continually monitored during restraint and transportation. This is particularly important when the person is obese, or under the influence of alcohol or drugs. If a detained person is exhibiting signs of severe distress, breathlessness or lapses of consciousness, they must be taken to hospital immediately.

Officers must report to Custody Officers when a prisoner has been sprayed with CS Spray and it is the latter's responsibility to note relevant details in the custody record. Custody Officers should segregate the person, check their condition, arrange for an examination by a Forensic Medical Officer and allow the detained person to wash, if necessary. The person should receive enhanced cell supervision and be given a CS3 information sheet before release (see Appendix).

Recording

An officer must record all incidents of the drawing of CS Spray canisters or the discharging of CS Spray in their notebooks, notify a supervisor and complete an electronic Use of Force Monitoring form as soon as practicable. When an officer inputs the data on the system, an Inspector approves the entry and the PSNI Central Statistics Unit carries out a validation check. At any point, the record may be returned to the officer for clarification or further information. The Use of Force Monitoring system was introduced on 1 January 2008 and replaced the CS1 form, 'Occurrence Report: CS Spray', which previously had to be completed by officers for each incidence of CS Spray use.

Storage

As a prohibited weapon, the possession, storage and control of CS Spray is subject to Article 45 of the Firearms (NI) Order 2004. Safe storage before issue is primarily the responsibility of the District Commander, along with an appointed CS Administrative Officer. A Sergeant for each section (the issuing officer) will issue CS Spray and complete form CS2 (see Appendix 1).

When officers are issued with CS Spray, they are responsible for its safe and secure storage. Supervisors will inspect and weigh canisters at the same time as the monthly firearms inspection.

After its use, the weight of the canister will be recorded. It should be placed in a small plastic weapons tube and sealed in a tamper evident bag, with the serial number and date noted on the front. This is stored in a secure locker within the Special Property Store for a period of one year, and then it is transported to a central storage facility for a further five years. This period may be extended if criminal or civil proceedings are ongoing or anticipated.

Training

Foundation Training

All new recruits undergo Personal Safety Programme (PSP) training at the Police College Garnerville as part of the Foundation Programme, which lasts approximately 20 weeks and provides training in a range of areas including the use of force.

The decision making process about the use of force (CS Spray) is as much a part of the lesson as the physical motor skills required. It is highlighted to students that any use of force must be lawful, proportionate and justifiable.

Training on the use of CS Spray takes place over two sessions in the seventh and fourteenth weeks. Each session lasts between one and a half and two hours. Research Officers from the Police Ombudsman's Office observed the first session of foundation training for student officers at Garnerville Police College and held in-depth discussions regarding the course programme with trainers. Lengthy discussions were also held with trainers from Garnerville and Combined Operational Training at Steeple Barracks Antrim.

Training integrates theory and practice using Association of Chief Police Officers (ACPO) guidelines and service standards and policies. Scenario based training is an important part of the process. All operational officers up to the rank of Inspector should receive training in CS Spray, including comprehensive instruction on aftercare procedures.

The first session begins with a video of people being sprayed and shows how CS Spray affects people in seconds and lasts several minutes. Students are taken outside and told that they are going to be sprayed with 2% CS Spray. In fact, they are sprayed with water. This exercise gives experience of being faced with the threat of being sprayed.

The Student Officers are given time to practice drawing and aiming their spray (including flipping the cap), and are advised to do so without looking down, and with a balanced stance (1 foot forward). They are trained to identify themselves and give a warning, "I am a police officer, if you do not comply with my instructions, I will use CS Spray". This warning is not only for the person being sprayed but also for other officers and innocent bystanders. They are instructed to stand 1.25 metres away if possible (distance from spray to the persons eyes) and withdraw their arms if necessary to increase the distance. Officers are given time to practice using the spray, aiming it at the chest and then moving it up to the face.

The locations and circumstances where and when CS Spray should be used are discussed. The students are reminded that they need to be able to justify their decisions. They are advised not to use CS Spray as a crowd dispersal tactic or on a handcuffed person, if this is avoidable. The officers are also advised to update their notebooks with as much detail as possible at the earliest opportunity. It is emphasised throughout to officers that they will be held accountable for their actions in relation to the use of CS Spray.

The time lapse between being sprayed and the effects being felt are discussed and it is demonstrated how far someone can run in that time period. This is to highlight that officers cannot spend time replacing their canisters once the spray has been discharged, as the person may still be aggressive and violent during this delay.

Aftercare and human rights are discussed in the first session and addressed in more detail in the second session in week 14. Officers are instructed that they have a duty of care to the person suffering the effects of CS Spray to ensure that they are safe from harm while their sight might be compromised. They are advised to: reassure the person; face them towards the wind; tell them to breathe normally; tell them not to rub their eyes; and inform them that a burning sensation may be experienced.

Officers are instructed not to leave the arrested person in the prone position whilst transporting them. They are advised that a cellular van with an extractor fan is ideal for transporting a person who has been sprayed to the custody suite.

The students are reminded that it may take 20 minutes for CS particles to disperse and that they should take the effected person to fresh air or a non contaminated area. They are advised to stay outside for a further 20 minutes after they arrived at the station before taking the detained person into the custody suite.

The second training session includes a review of the first, as well as scenario based training on aftercare. Following a recommendation by the Ombudsman in 2005, the lesson plans were amended to split the sessions into two and to incorporate aftercare into the training.

There are individual skills-based assessments in week 9 and an exam in week 15. There are scenario-based assessments in week 19 and, where necessary, these can be repeated in week 20. These scenarios may or may not include CS Spray, depending on the decision the student officer takes as the most appropriate and proportionate response. If the assessment is failed after repeating, this will lead to dismissal.

Initial Training

Officers who did not complete training in the use of CS Spray when recruited are required to undergo initial training before being issued with a canister. This is conducted by Operational Support Department (OSD).

This training lasts one session, with the CS Spray element taking approximately four hours. The content of this training is a combination of theory and practical training.

The theory training includes:

- background and technical information;
- effects;
- legal implications;
- reporting and supervisor checks;
- giving a warning;
- locations;
- persons at risk;
- considering other lower levels of force;

- range and optimum accuracy;
- when not to use;
- Public Order;
- aftercare and contact lens;
- transportation;
- monitoring, including life signs;
- officers affected; and
- custody considerations.

Refresher Training

Follow up CS Spray training, including probationer development training, is carried out by OSD in three locations, Steeple Barracks, Maydown and Mahon Road. As part of the Personal Safety Programme annual training, all officers up to and including the rank of Inspector are retrained in a one hour session.

This session consists of practical training with theory discussed. This involves practice spraying, drawing CS Spray from the lanyard, giving a warning, aftercare and scenario based training. The effects on bystanders and the importance of accuracy when aiming are discussed.

This training commenced in 2004. Initially it was mandatory to be sprayed with 2% CS Spray. It is now voluntary.

Police Ombudsman Policy

Recommendations & PSNI Responses

Policy recommendations made by the Ombudsman fall into five main areas; accurate recording, aftercare, training, storage and other recommendations. The following is an overview of the policy recommendations made between 1 July 2004 and 31 March 2010.

1 July 2004 – 31 March 2005

Accurate recording

There was one policy recommendation that it would be beneficial to record if an individual was restrained during the discharge of CS Spray and provide justification for this on CS1 forms (CS1 forms have subsequently been replaced by the Use of Force Monitoring system).

This recommendation was not implemented initially, requiring clarification. However, when the Use of Force Monitoring system was introduced on 1 January 2008, a field to record whether the individual was restrained was added.

Training

There were two policy recommendations that the PSNI training department act upon advice provided by the Deputy Chief Constable (DCC) on 9 November 2004 i.e. CS Spray is not designed to be used as a dispersal tactic in a group situation of disorder, as it is not always effective and innocent bystanders and officers may be affected. The DCC added that to do so may put officers at risk and may undermine the public's confidence in policing.

This recommendation was incorporated into General Order 28/2004 which was re-issued on 3 February 2006.

Other Recommendations

There was a policy recommendation in a Regulation 20 Report submitted to the PSNI that CS Spray should not be used at a distance of less than one metre or on a person who is restrained or handcuffed; unless the nature of the risk to the officer is such that this cannot be avoided.

This recommendation was accepted and implemented on 1 September 2005. In addition, the contents of the Regulation 20 Report were disseminated on 25 October 2005 to all Personal Safety Programme practitioners for their information and necessary action.

1 April 2005 – 31 March 2006

Accurate recording

There were four policy recommendations in 2005/06 relating to accurate recording. Firstly, the date that CS Spray was issued to an officer should be entered on form CS2. Secondly, that officers were reminded that the canister serial number, seal number and weight should be checked and recorded on form CS2, including any amendments. Thirdly, all officers should be reminded of the importance of accurate recording. Finally, and more specifically, custody officers should be reminded of the requirement to accurately record all details of CS Spray discharge.

These recommendations were accepted. On 17 November 2005, officers were directed to record the canister serial number, seal number, and weight on CS2 forms. It was also highlighted that all entries should be checked, initialled and dated, when amended. On 23 March 2006, police officers were reminded of the need to accurately record any use of CS Spray, including the distance discharged and the aftercare given. Custody officers were also advised of their duties in relation to detained persons who have been exposed to CS Spray.

Aftercare

There were three recommendations relating to aftercare during this financial year. The first of these was that all officers are reminded of the importance of aftercare issues. Secondly, that Custody Officers be reminded of the need for enhanced cell

supervision of prisoners who have been exposed to CS Spray, particularly those who also show signs of intoxication, should be roused at least every 30 minutes. Finally, that custody officers issue CS3 forms to all prisoners who have been exposed to CS Spray.

These recommendations were accepted and a reminder was issued to all Custody Officers. These issues have been addressed in the training for Custody Officers since September 2005. The issues highlighted were also incorporated into the Lesson Plans for initial CS Spray training at Garnerville, and as best practice examples by the Policing Skills training team on the Custody Officers course.

Training

There were three policy recommendations on training during this period. The first of these was to re-emphasise the suitability and risks associated with CS Spray use either as a dispersal tactic or in a group situation of disorder. Secondly, it was recommended that accurate and comprehensive records be maintained of the modules undertaken by officers during their foundation training and whether or not the modules taken were completed successfully. Thirdly, it was recommended that the issues highlighted in a report on CS Spray be reinforced to all police officers, and the relevant CCTV footage utilised as a training aid.

The first recommendation was incorporated into General Order 28/2004 which was re-issued on 3 February 2006 and the points raised were also emphasised in training. In relation to the second recommendation it was confirmed that accurate records were kept. In relation to the third recommendation, the issues highlighted were brought to the attention of PSP trainers and incorporated into the initial and refresher training.

Storage

There was one policy recommendation on CS Spray storage that at least one senior officer should have access to the storage facility at all times.

This recommendation was accepted and DCU Commanders were requested to review their CS Spray storage policies.

1 April 2006 – 31 March 2007

Accurate recording

There were three policy recommendations in connection with accurate recording of CS Spray usage during this financial year. Firstly, that senior officers should accurately record all relevant details pertaining to CS Spray discharges. Secondly, that the importance of accurately recording the details of the CS Spray canister on the issue register be emphasised. Finally, that all officers should record in their notebooks if they have been affected by CS Spray during its use.

These recommendations were accepted and highlighted to all officers on 2 January 2007 and 7 February 2007.

Aftercare

There were two policy recommendations on aftercare, during this period. Firstly, that it should be reinforced to all police officers equipped with canisters that aftercare be afforded to persons exposed to CS Spray. Secondly, the need to issue form CS3 to all those prisoners exposed to CS Spray.

The first recommendation was accepted and highlighted to all officers on 2 January 2007. On 13 April 2007, officers were further advised about positional asphyxia / excited delirium and the importance of ensuring assistance and medical aid at the earliest opportunity.

Training

There was one policy recommendation on training during this period; that there should be scenario-based training for officers.

In response, scenario-based training was incorporated into the initial training at Garnerville and refresher training at Steeple Barracks.

Storage

There were two policy recommendations on storage, during this period. The first was that a particular police station reviews its CS Spray storage policy and that consideration be given to a PSNI wide review of its storage policies. Secondly, that

officers should be made aware of the designated storage facilities and reminded that following discharges all CS Spray canisters should be produced to the relevant CS administration officer as soon as practicable.

With regard to the first recommendation the police station concerned reviewed its storage policy and Operations Branch completed a PSNI wide review of storage facilities. The second recommendation was also accepted. On 2 January 2007 it was communicated to all officers that the integrity of the CS canister must be maintained in the event of related criminal proceedings.

Other Recommendations

There was a policy recommendation on anti-tamper / integrity seals, identifying that there were issues surrounding the failure of the CS Spray seal to break properly and that PSNI supervisors be reminded of the importance of weighing the used CS Spray canister at the time it is seized.

Following a review of the use of anti-tamper / integrity seals on CS Spray canisters, PSNI decided to phase out the use of seals and instructions were issued to the service on 25 April 2007 to remove seals from canisters.

1 April 2007 – 31 March 2008

Accurate recording

There was one policy recommendation on accurate recording during this year. This was that a record should be made for every use of CS, specifying if it was used on more than one person at a time.

Policy Directive 07/07 was amended to reflect this change and re-issued on 28 August 2008.

Aftercare

There were two policy recommendations on aftercare, during this period to the effect that aftercare issues, be reinforced to all officers.

All officers were reminded of the importance of aftercare, the need to document all aspects of CS Spray use and to issue form CS3. These issues were also to be emphasised during PSP training and custody courses.

Other Recommendations

There were two policy recommendations on other issues during this year. Firstly, the importance of officers not sharing CS Spray canisters should be highlighted. Secondly, that supervising officers be reminded of the importance of ensuring that CS1 forms are thoroughly reviewed.

The issues raised were brought to the attention of the Head of PSNI Training and Development and the Head of Operations Branch who advised that the first line supervisors course was being reviewed and that the roles and responsibilities of Sergeants inform an important part of the new course.

1 April 2008 – 31 March 2009

Training

There was one policy recommendation that the potential dangers in the inadvertent use of CS Spray on officers and members of the public be emphasised and recorded in all CS Spray training.

This recommendation was accepted and highlighted to PSNI Training and Development.

Other Recommendations

There was a policy recommendation in relation to reviewing and improving the existing CS Spray equipment to ensure that losses are kept to a minimum. The use of a lanyard was recommended.

The Uniform and Protective Measures Committee considered the issue of the security of CS Spray canisters and produced a solution in the form of a lanyard. This attaches to the officer's belt and to the holster, so even if the canister detaches from

the belt it will remain attached to the officer via the lanyard. This was rolled out service wide in February and March of 2009.

1 April 2009 – 31 March 2010

Storage

There were four policy recommendations on storage during this period. Firstly, that the officer issuing CS Spray and maintaining the storage of CS Spray should be of a supervisory rank. Secondly, that the CS Spray register should be a permanent document stored securely with the used CS Spray canisters. Thirdly, that the PSNI Policy Directive be adapted to state exactly how long a station retains its used canisters and the exact location of the storage facility. Finally, that the training of staff who are responsible for the storage and retention of CS Spray is reviewed.

These recommendations were accepted and a letter from PSNI on 5 February 2010 advised that Policy Directive 07/07, was amended and re-issued on 27 October 2009. Firstly, the Ombudsman was advised that District Commanders would have an audit carried out of the storage and issue of CS Spray on a regular basis. Secondly, PSNI advised that CS Administration Officers would be a supervisory rank and be responsible for controlling access to canisters and the register. Thirdly, that District Commanders would keep a log of the people who access the stored canisters and register and ensure that appointed CS Administrators have read and understood the directions contained in Policy Directive 07/07. CS Administration Officers would check the contents of the central storage cabinet fortnightly and inspect the issue log to ensure that it is maintained and up to date. A restricted computerised spreadsheet of the CS Issue Register would be maintained in addition to the paper copy.

Overview of complaints and allegations received from 1 July 2004 to 31 March 2010²

Number of complaints /Chief Constable Referrals

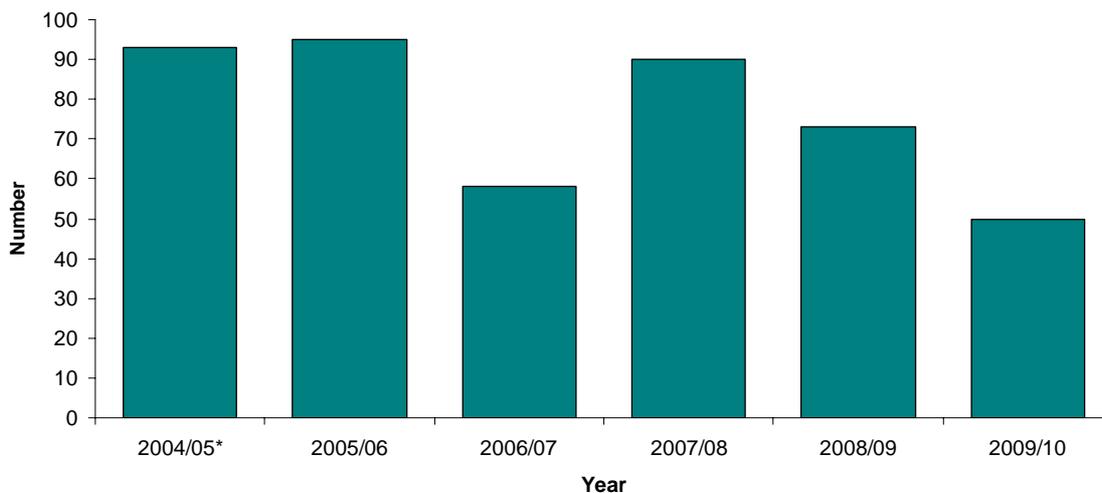
During the period from 1 July 2004 to 31 March 2010 there was a total of 17,896 complaints and 276 Chief Constable Referrals received by the Police Ombudsman's Office. Of these, 459 (2.5%) involved CS Spray, comprising 403 complaints and 56 Chief Constable Referrals.

Number of allegations which involved CS Spray per year

A complaint comprises of one or more allegations. The 459 complaints received in relation to CS Spray involved 1,132 allegations. Of these 1,132 allegations, 488 related specifically to CS Spray. The remaining 644 allegations, whilst associated with a CS Spray complaint, were not directly related to its use. Figure 1 shows the number of allegations received involving CS Spray by year.

² All statistical tables can be found at Appendix 1

Figure 1: Number of allegations which involved CS Spray per year



* CS Spray was introduced on 1 July 2004 and all incidents of usage between 1 August and 31 December 2004 were automatically referred to the Police Ombudsman's Office

As a proportion of the total number of allegations received annually, CS Spray allegations have generally fluctuated between one and two percent. The exceptions were 2004/05, the first year it was introduced, when it was almost 3% and 2009/10 when CS Spray allegations were less than 1% of the total. This can to some extent be explained by the fact that in 2004/05 the overall number of allegations received by the Office was low in comparison to other years. In addition, during 2009/10, not only did CS Spray allegations decrease by 36% from 2008/09 but overall allegations during 2009/10 increased by 20% compared with the previous year.

Factors underlying complaints

Where known, the Police Ombudsman's Office records information on the factors behind complaints. These include:

- criminal investigation/crime enquiry
- arrest (i.e. during or immediately following)
- traffic related incidents
- domestic incidents (including neighbour disputes).

For over half of CS Spray complaints (57%) the factor behind the complaint was arrest. When comparing factors with all complaints during the same time period, arrest was a more common factor in CS Spray incidents (57% compared with 20% overall). For all complaints traffic related incidents represented 11% compared with only 1% for CS Spray complaints.

Types of allegations

Figure 2 gives an overview of the types of allegations which relate to CS Spray compared with all allegations. The majority of CS Spray allegations relate to Oppressive Behaviour; 83% compared with 32% overall. Failure in Duty represents 4% of allegations relating to CS Spray compared with 40% for all allegations. There are no CS Spray allegations relating to Incivility compared with 14% in respect of all allegations received.

Figure 2: Allegation Types, 1 July 2004 - 31 March 2010

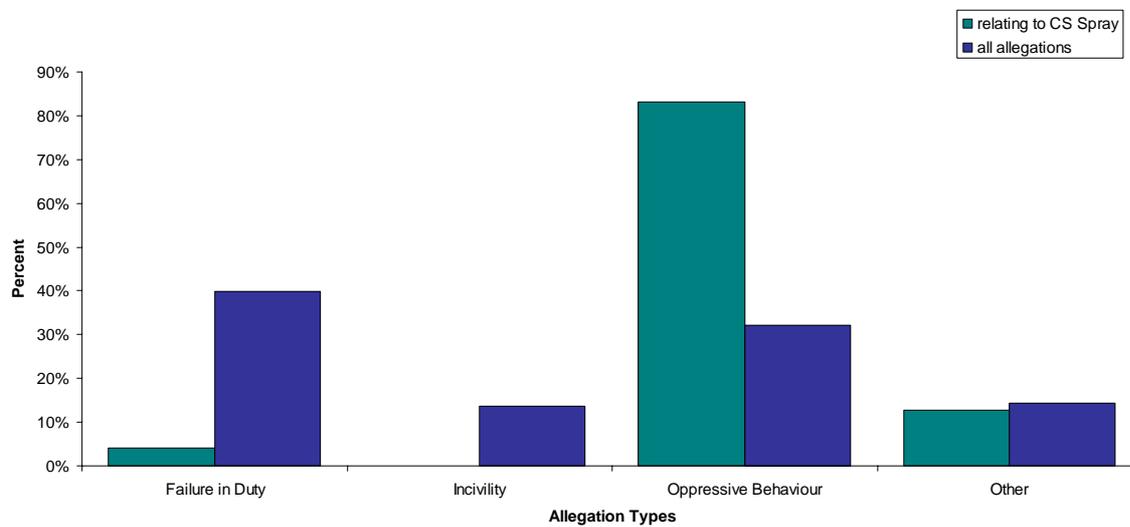
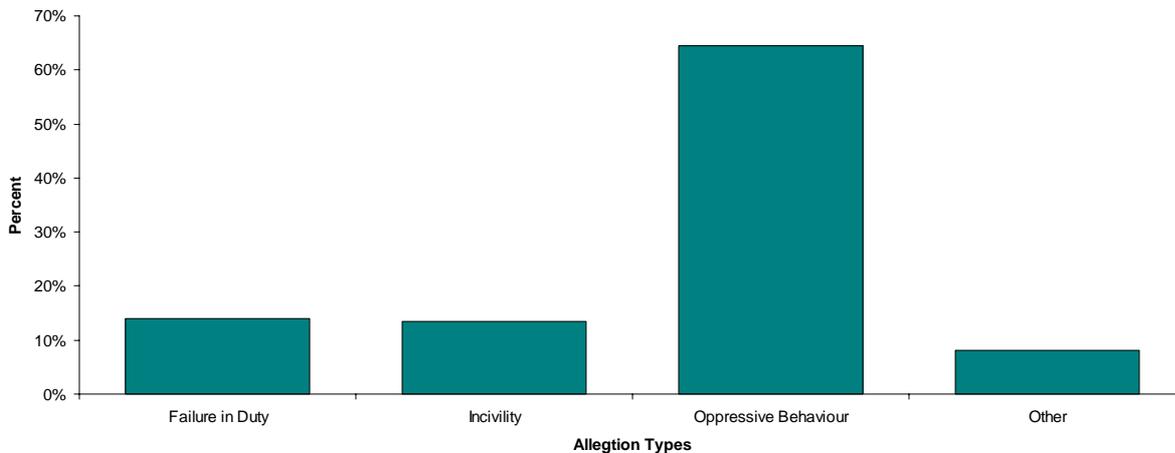


Figure 3 shows that most other allegation types associated with CS Spray complaints relate to Oppressive Behaviour (64%).

Figure 3: Other Allegation Types associated with CS Spray complaints, 1 July 2004 - 31 March 2010



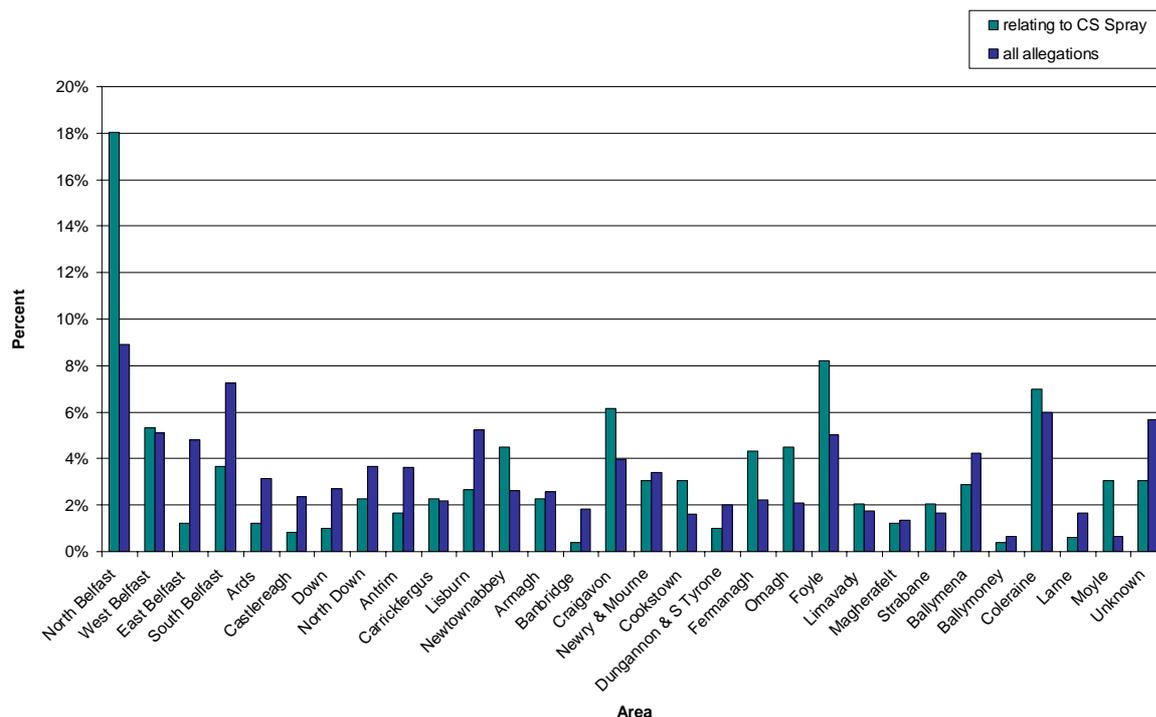
District Command Units (DCU), Areas and Police Stations

As a proportion of all CS Spray allegations received, the District with the highest percentage between 1 July 2004 and 31 March 2010 was District A, with 23%, followed by G and H Districts with 14% each. As a proportion of the total number of allegations received by each district, District A again had the highest percentage overall along with District D (both 14%).

As a proportion of all CS Spray allegations received, the Area with the highest percentage between 1 July 2004 and 31 March 2010 was North Belfast, with 18%, followed by Foyle (8%) and Coleraine (7%). As a proportion of the total number of allegations received by each Area, North Belfast again had the highest percentage overall, with 9%, followed by South Belfast (7%) and Coleraine (6%) (see Figure 4).

The station with the highest percentage of allegations relating to CS Spray between 1 July 2004 and 31 March 2010 was Antrim Road, with 7%, followed by Strand Road and Coleraine both with 6% each.

Figure 4: Percentage of allegations by Area, 1 July 2004 - 31 March 2010



Location of incidents

Where known the Police Ombudsman’s Office records information on the location of incidents. These include:

- on street / road
- police station
- domestic residence

In almost three quarters of CS Spray allegations (74%) the location of the incident was on the street or road. When comparing the location of CS Spray allegations with all allegations, the street or road was a more common location in CS Spray allegations (74% compared with 34% overall). For all allegations Police Station was the location for 43%, compared with only 3% for CS Spray allegations.

Timing of incidents and day of week

Out of 488 CS Spray allegations, the time of day was recorded in 271. More than half of these allegations involving CS Spray took place after midnight and before 3am (51%) compared with 26% for all allegations (see Figure 5).

Out of 488 CS Spray allegations, the day of week was known in 481. More than half of the allegations involving CS Spray took place at the weekend (58%) compared with 35% for all allegations (see Figure 6). These graphs show that a disproportionate number of CS Spray incidents took place in the early hours of Saturday and Sunday mornings. CS Spray allegations are more concentrated during these times compared with all allegations.

Figure 5: Time of day (where known), 1 July 2004 - 31 March 2010

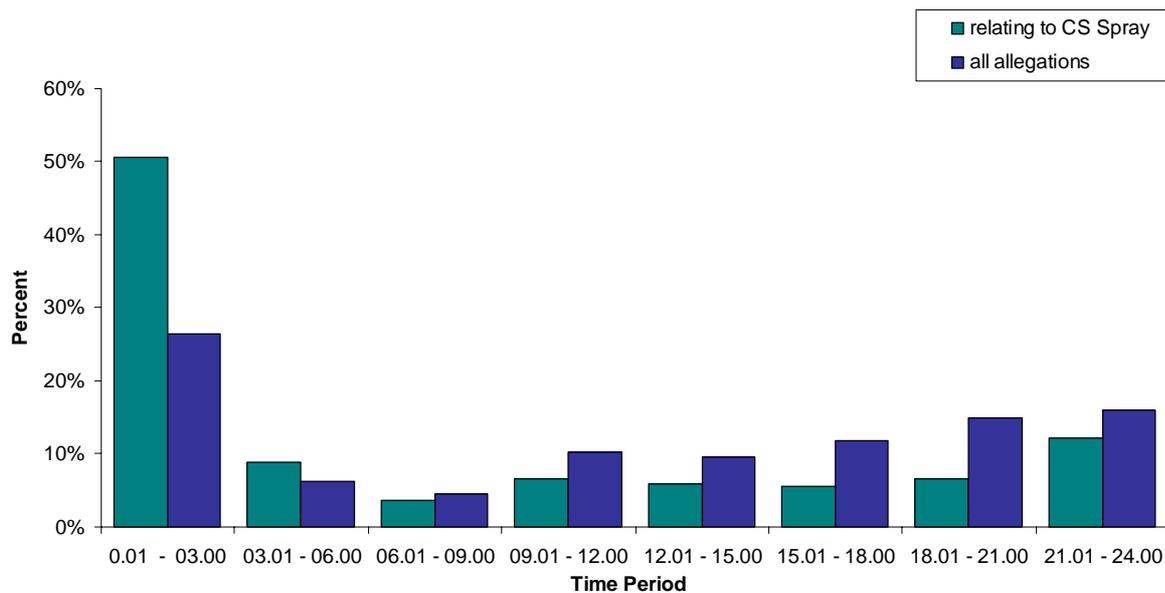
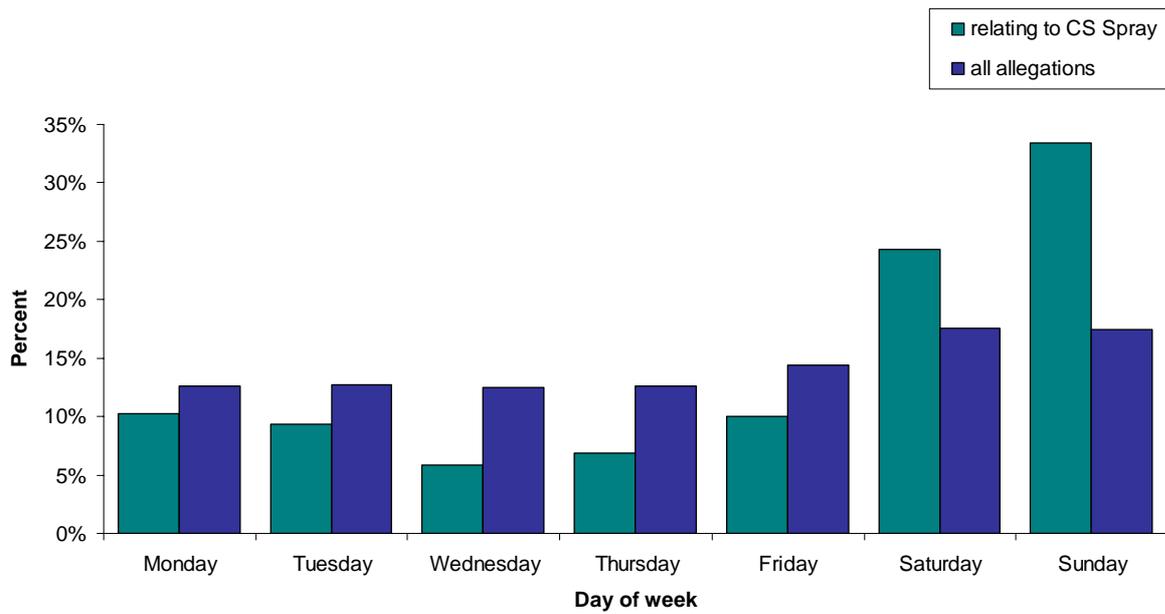


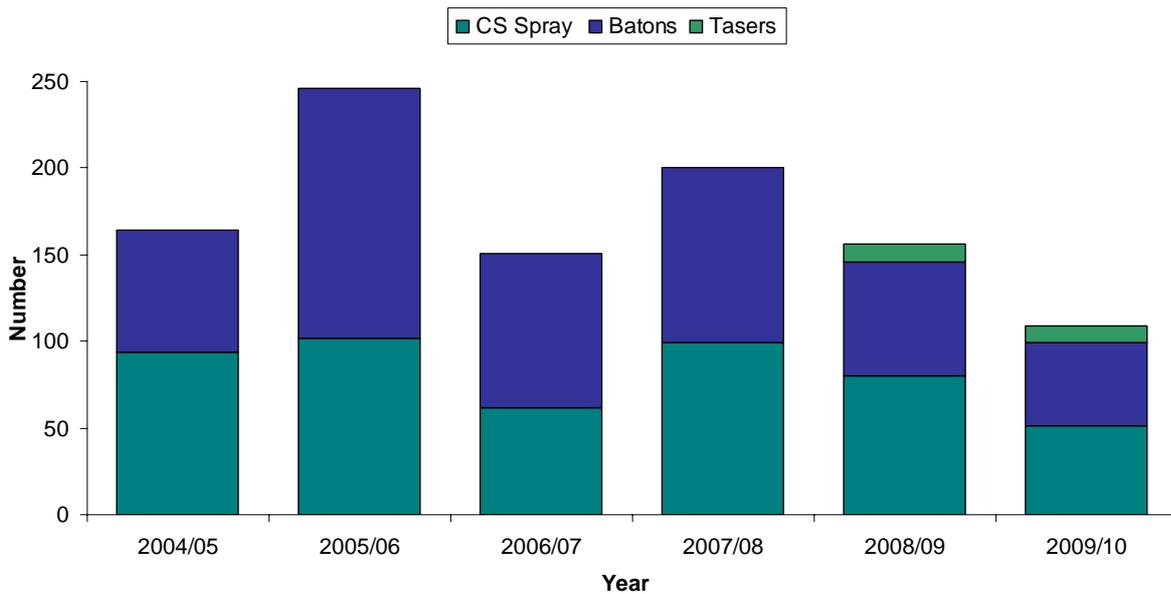
Figure 6: Day of week (where known), 1 July 2004 - 31 March 2010



Other weapons used – allegations per year

CS Spray was not intended to replace any other use of force but rather to provide another option. Figure 7 shows the trend line for baton use is similar to CS Spray over the years. Tasers were introduced on 25 January 2008 for a pilot period and made available to Armed Response officers on 19 December 2008.

Figure 7: Other weapons allegations per year



CS Spray was introduced on 1st July 2004

Tasers were introduced for a pilot on 25 June 2008 and made available to Armed Response Vehicles on 19 December 2008

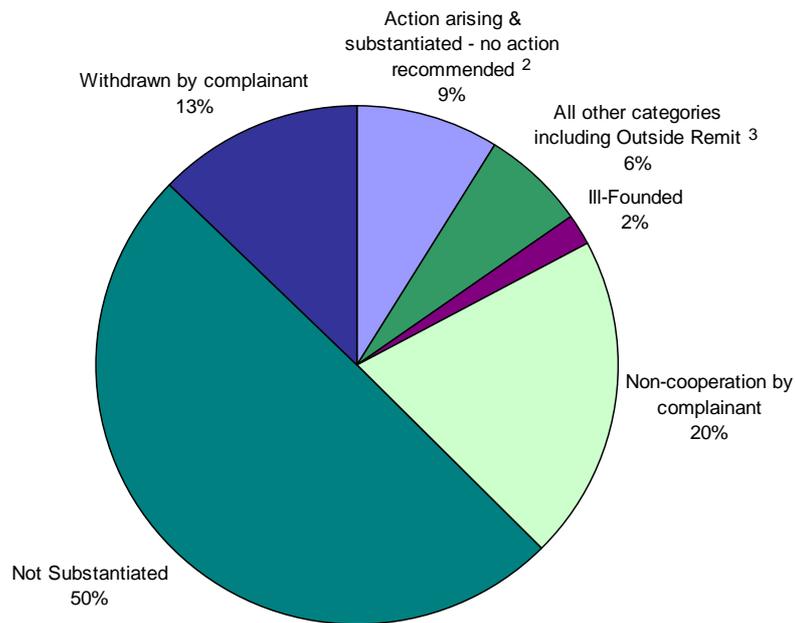
Outcomes

From the establishment of the Office in 2000 until November 2008, the Office's Case Management System (CMS) recorded one outcome against each complaint. From 1 December 2008, the Office replaced its CMS with a Case Handling System (CHS) that is allegation based. When the investigation of an allegation is complete a recommendation for allegation closure is made. It should be noted that one allegation may have more than one associated recommendation, for example, when there are a number of police officers linked to an allegation.

CMS System

Figure 8 shows that half of the complaints involving CS Spray (50%) were closed as Not Substantiated and a further 20% were closed due to the complainants' failure to co-operate.

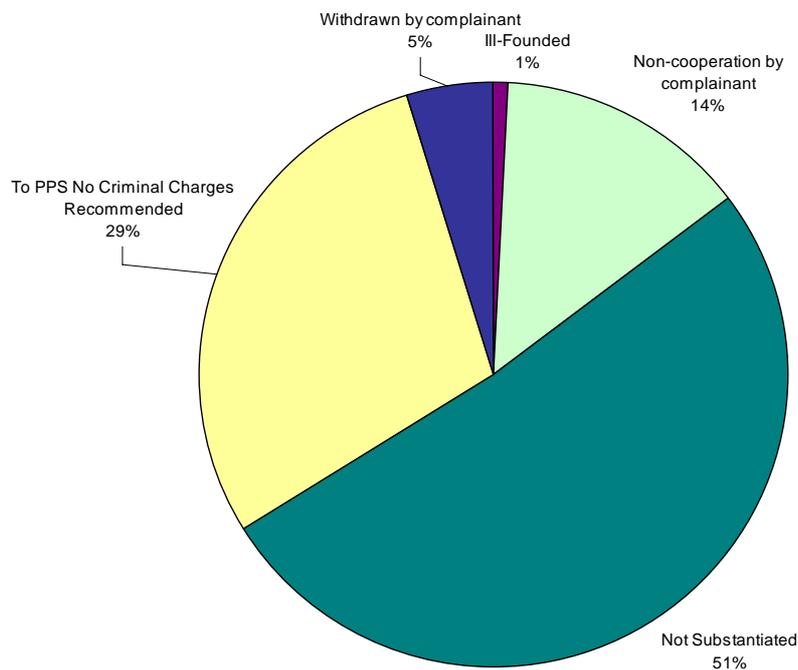
Figure 8: Closure types of CS Spray complaints closed, 1 July 2004 - 30 November 2008 (recorded on the CMS)



CHS System

From the introduction of the CHS in December 2008 to 31 March 2010, just over half (51%) of the recommendations arising from CS Spray allegations closed by the Office were Not Substantiated, followed by 29% of allegations which were sent to the Public Prosecution Service (PPS) with no Criminal Charges recommended. A further fourteen percent of CS Spray related allegations were closed following non co-operation of the complainant (Figure 9).

Figure 9: Recommendations arising from CS Spray allegations closed, 1 December 2009 - 31 March 2010 (recorded on the CHS)



Profile of complainants: age and gender

The Police Ombudsman’s Office is committed to fulfilling the obligations laid upon it by Section 75 of the Northern Ireland Act (1998). All complainants with the exception of those under 16 years old are asked to complete an equality monitoring form which captures information relevant to the nine categories specified in Section 75 of the Northern Ireland Act (1998).

As well as the Equality Monitoring forms, the Office can also determine complainants’ age from their date of birth and in most cases can determine their gender from their title or salutation. This resulted in a total of fifty six percent of complainants with a complaint involving CS Spray allegations for whom age and gender information was available, compared with 60% for all complainants.

Figure 10 shows the age and gender profile of CS Spray complainants: 79% of complainants who made a complaint relating to CS Spray were male and 21% were

female. This compares with 71% male and 29% female for all complainants (Figure 11).

Figures 10 and 11 also show that of those complainants who made a complaint relating to CS Spray, 25% were male aged 25-34, compared with 15% for all complainants.

Figure 10: Profile of CS Spray complainants: age and gender (where known), 1 July 2004 - 31 March 2010

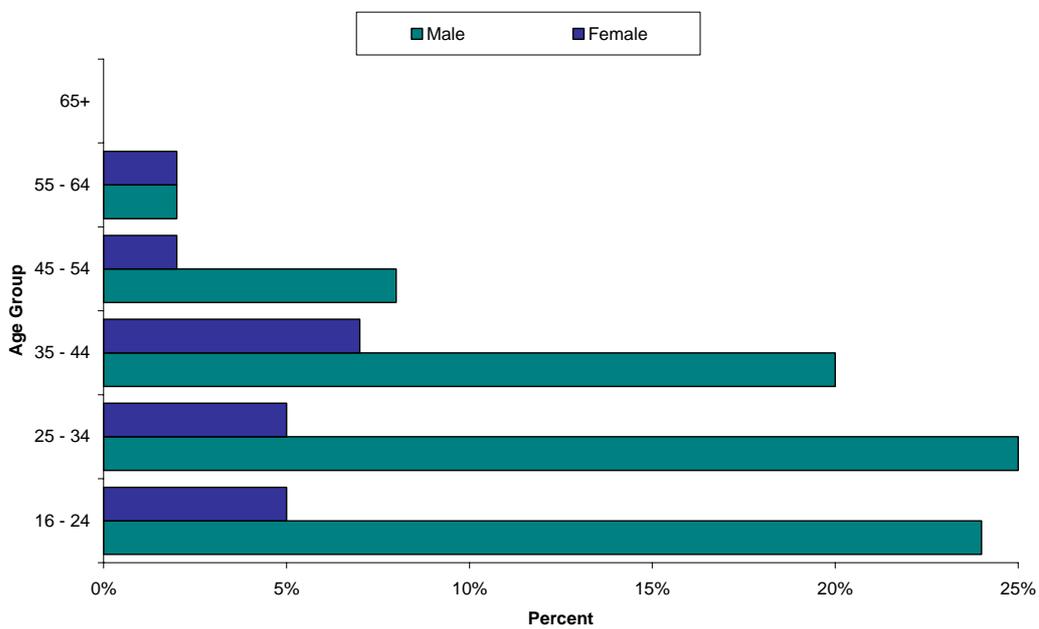
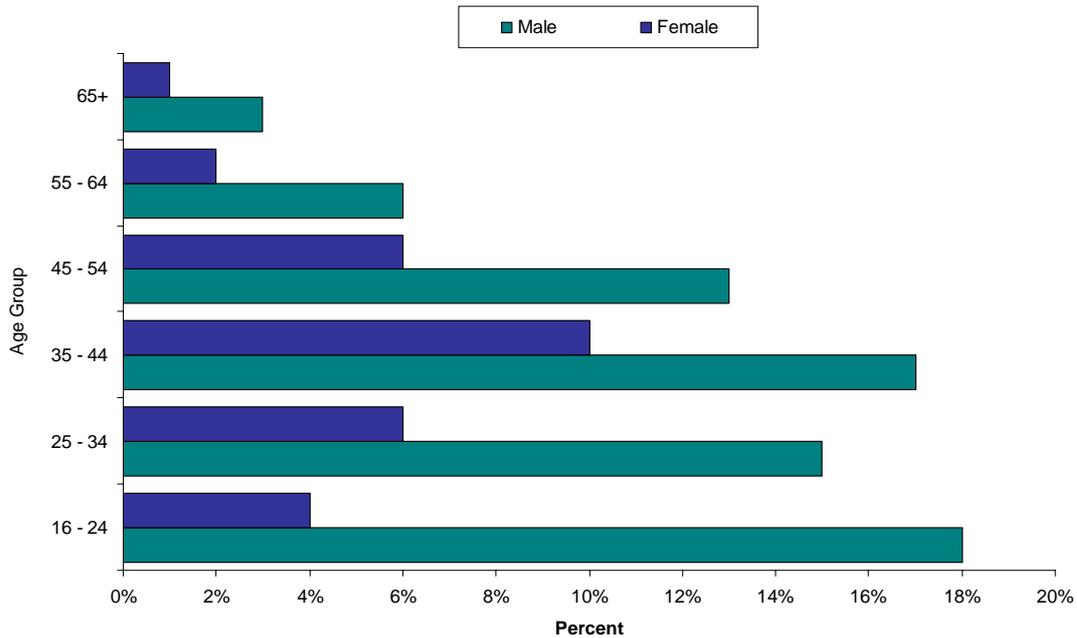


Figure 11: Profile of All complainants: age and gender (where known), 1 July 2004 - 31 March 2010



Of the 145 CS spray complainants who provided information on their Religious Belief, 57% were Catholic, 38% were of other Christian faiths and 6% had no religious belief. Of the 142 who declared their ethnic group, 96% were white. Of the 146 who declared their marital status, 58% were single.

In-depth analysis of complaints received from 1 April 2009 to 31 March 2010

There were fifty complaints received between 1 April 2009 and 31 March 2010 which related to CS Spray incidents. Seventeen of these complaints related to eight incidents and five complaints involved CS Spray being drawn only or not directly used on the complainant (who may or may not have been affected).

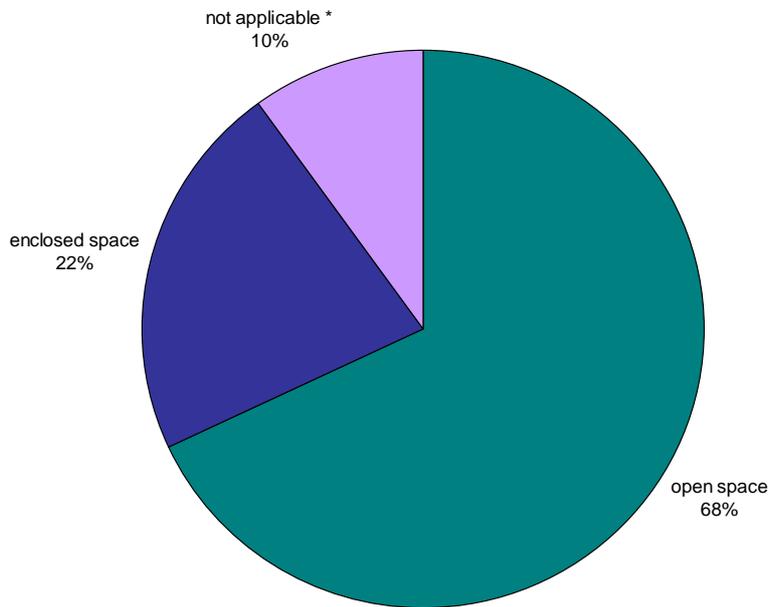
An in-depth analysis of all fifty complaints was conducted. The files contained the Use of Force Monitoring System information, custody and medical records and police officer, complainant and witness statements when available. This information may not have been available where the complaint was withdrawn or closed due to non-cooperation.

It is not possible to show or discuss all of the information analysed. This is because the presentation of small numbers may breach statistical disclosure rules as set out in the Code of Practice for Official Statistics, UK Statistics Authority, January 2009. This code requires that the identity of individuals or any private information relating to them is not revealed.

CS Spray discharge in Open/Closed Spaces

The Police Service of Northern Ireland (PSNI), records information on where CS Spray was discharged on the Use of Force Monitoring system. Over two thirds of complaints (68%) related to CS Spray being discharged in an open space (see Figure 12).

Figure 12: CS Spray discharged, 1 April 2009 – 31 March 2010



** The not applicable category relates to CS Spray being drawn only or used on someone else and the complainant was not affected.*

Location of CS Spray discharge

The PSNI also records information on the location of incidents, and this information was extracted from the complaints files analysed. The locations include:

- roadway;
- dwelling; and
- garden or driveway

Over half of CS Spray complaints (54%) received during the reporting period, recorded the location as on the roadway with a further 10% recorded as a garden or driveway. A further 20% were categorised as taking place in a dwelling.

When comparing the location of CS Spray allegations, from the previous section on the overview of complaints and allegations, 74% of locations were recorded as street or road.

Distance from CS Spray discharge

The distance within which the CS Spray is discharged is recorded on the Use of Force Monitoring System and is often referred to in complainant and police officer statements. Where there was a difference of opinion this was recorded as disputed. Almost a third of discharges (32%) were recorded with a distance of between 1 and 4 metres. In a further 28% the distance was unknown and for almost a quarter (24%) the distance was disputed.

Circumstances of the CS Spray incident

The circumstances of the incident are recorded on the Use of Force Monitoring System. Almost half (48%) related to an incident involving an assault on a police officer or another party. A further 16% related to minor public disorder.

Reason for using CS Spray

The reasons for using CS Spray are recorded on the Use of Force Monitoring System. There are generally several reasons noted such as:

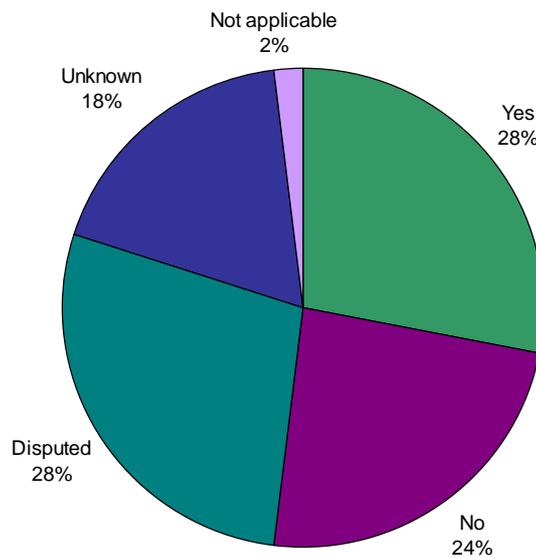
- Protection of colleagues;
- Protection of public;
- Protection of self;
- Effecting arrest; and
- Prevention of an offence.

From analysis of the available documentation, the most relevant reason for using CS Spray was established. It was found that over half (52%) were attributed to effecting an arrest followed by 18% relating to using CS Spray in order to prevent an offence.

Use of a warning prior to CS Spray discharge

The Use of Force Monitoring System records whether a warning is given prior to the use of CS Spray. This issue often features in complainant and police officer statements. Where there was a difference of opinion this is recorded as disputed. There was agreement on the subject of warnings in over half of the complaints, with 28% agreeing that a warning was given and 24% that it wasn't.

Figure 13: Warning given prior to CS Spray discharge, 1 April 2009 – 31 March 2010



Use of Restraint

The PSNI records information on whether the detained person was restrained when CS Spray was discharged. However, there has been some confusion historically about whether the field on the Use of Force Monitoring System, related to being restrained at the same time CS Spray was being sprayed or restrained at any point during the arrest. The relevant field on the Use of Force Monitoring System has been updated to clarify that it should relate to the detainee being sprayed whilst restrained only.

As it was therefore not possible to rely solely on the Use of Force Monitoring information, all documents contained within the investigation files reviewed were analysed. In almost three quarters of complaints (74%), the person sprayed was not handcuffed or restrained. In the remaining cases analysed, this was either disputed, not applicable, unknown or they were restrained.

Issues relating to the use of CS Spray

Whether the incident related to alcohol, drugs, mental health or other issues or was unknown is recorded on the Use of Force Monitoring System. Sixty percent of complaints related to the use of alcohol and none were recorded as being associated with drug taking. Some of the incidents related to the use of alcohol may have related to drug intake as well, however, it was not possible to be definitive about this from the documentation. A further 28% were categorised as “other”.

Number of CS Spray discharges

From analysis of all the available documentation, the majority (88%) of CS Spray incidents involved only one discharge.

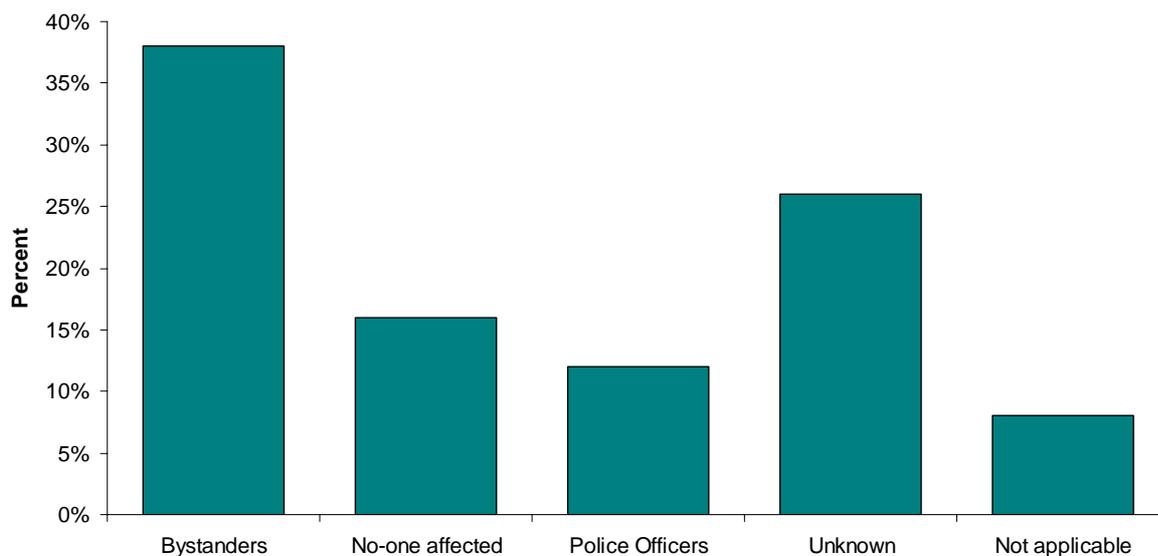
Aftercare given following CS Spray discharge

From the documentation available, it is not clear what specific elements of aftercare were given in each incident. For example, an officer’s statement may record that , “I gave the male aftercare, as required to do so by Service policy”. Thus, in general terms, it has been established that aftercare was given in 38% of CS Spray incidents. In a further 28% of complaints it was not apparent whether aftercare was provided and in 16% of complaints, the records available suggest that aftercare had not been provided. In the remaining cases it was disputed whether it had been provided, the aftercare was declined or it was not applicable. A further observation was that in 14% of the complaints, when applicable, the complainant was not taken to an area where there was fresh air.

Bystanders or police officers affected by CS Spray

In 38% of the complaints that were subject to in-depth analysis bystanders were affected by CS Spray (see Figure 14). In a further 26% of cases it was unknown if anyone was affected and in 12% of cases police officers felt the effects of CS Spray.

Figure 14: Bystanders or police officers affected by CS Spray, 1 April 2009 – 31 March 2010



Inspection of CS Spray Canister

There were 41 complaints where information from the Use of Force Monitoring System on whether the CS Spray canister had been inspected was available. In 31 complaints the inspection had occurred. In 7 complaints this was not relevant, as the spray had been drawn but not discharged or the complainant was a by-stander. In 3 complaints the complaint had been withdrawn or closed as non co-operation before the Use of Force data was requested.

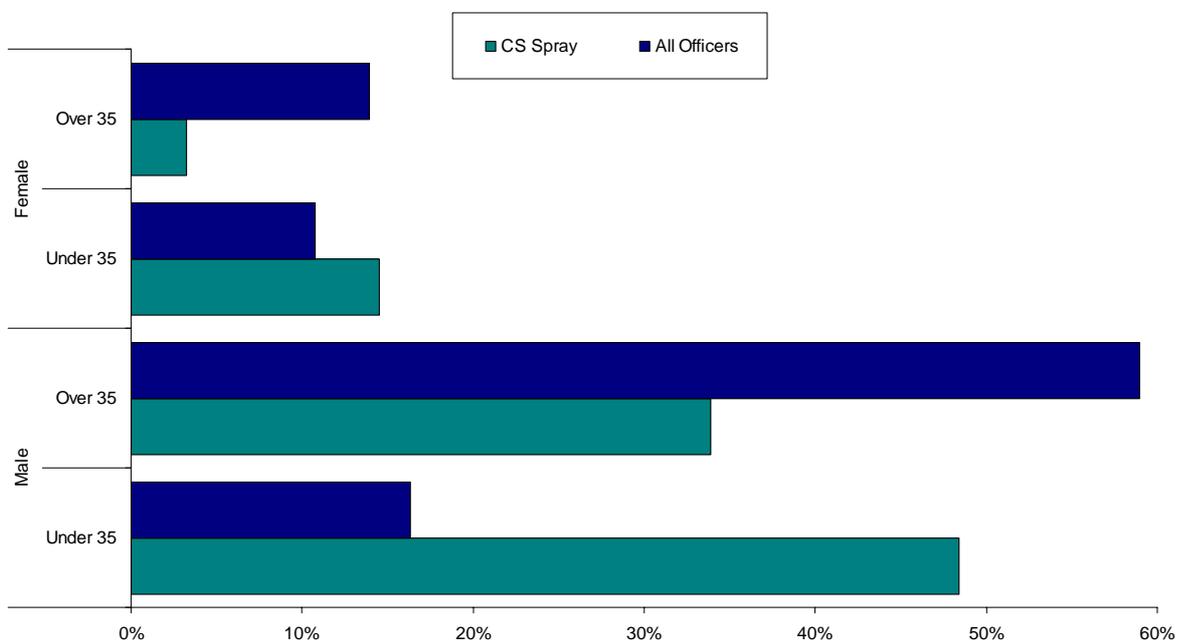
Medical Examination

It was clear from the custody records that in the majority of complaints when it was applicable (28 out of 30) that the person sprayed had been seen by a doctor.

Characteristics of police officers: gender, age, rank, length of service and department

The characteristics of those officers associated with the 50 CS Spray complaints received in 2009/10 were compared with the characteristics of all officers on the PSNI Nominal Roll as at October 2009. As Figure 15 shows, there is a greater than expected proportion of male officers generally, and younger male officers in particular, who attracted allegations associated with CS Spray use.

Figure 15: Characteristics of police officers, 1 April 2009 – 31 March 2010 and Nominal Roll October 2009



When comparing the rank of officers, Constable was a more common rank in CS Spray incidents (90% compared with 80% overall) and Sergeants a less common rank (10% compared with 13% overall).

To compare the length of service of officers, there was a higher than expected proportion of officers with 0 to 5 years' service associated with CS Spray incidents (71% compared with 31% overall) and a lower than expected proportion with 11 or more years' (15% compared with 56% overall).

Analysis of all incidents relating to CS Spray (recorded by PSNI) from 1 July 2004 to 31 March 2010

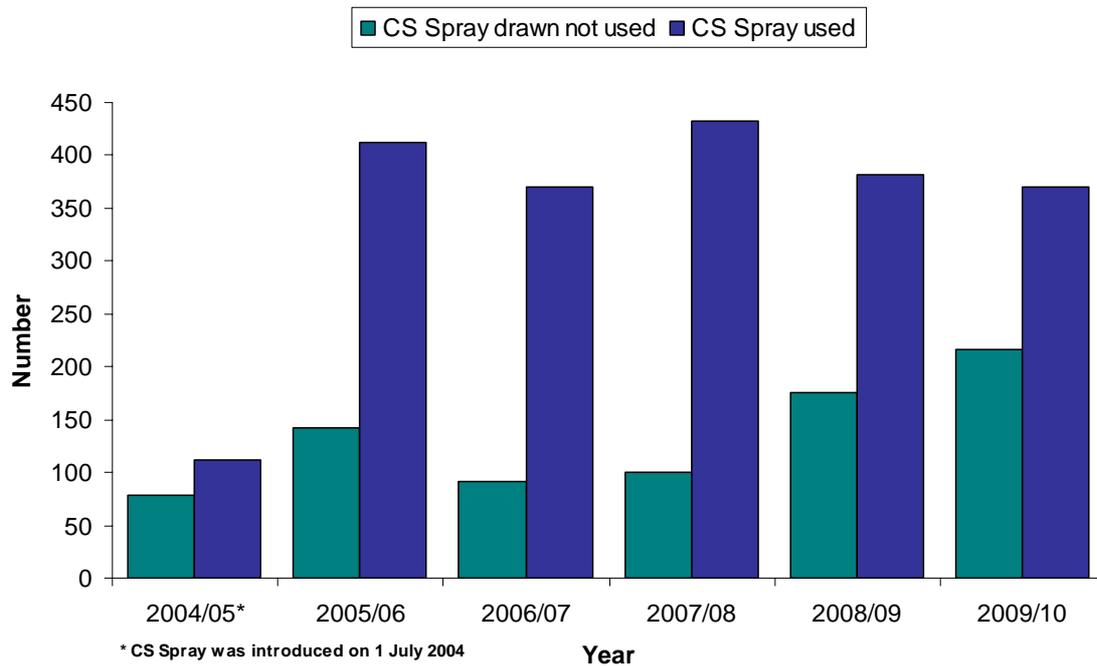
On 1 January 2008 an electronic system was launched to record all use of force by the PSNI. Prior to this date each District Command held their own CS1 forms and copied them to headquarters. From 1 July 2004 to 31 December 2007 there is a limited amount of information available, on financial year, time of day and area.

It is not possible to show or discuss all of the information analysed. This is because the presentation of small numbers may breach statistical disclosure rules as set out in the Code of Practice for Official Statistics, UK Statistics Authority, January 2009. This code requires that the identity of individuals or any private information relating to them is not revealed.

CS Spray drawn and used per year

CS Spray was introduced on 1 July 2004 and subsequently rolled out throughout the PSNI. Figure 16 shows that there was a decrease in the number of CS Spray discharges in 2006/07 and then an increase in 2007/08 before a downward trend over the next 3 years. The trend for incidents of CS Spray being drawn but not used has been increasing year on year since 2006/07.

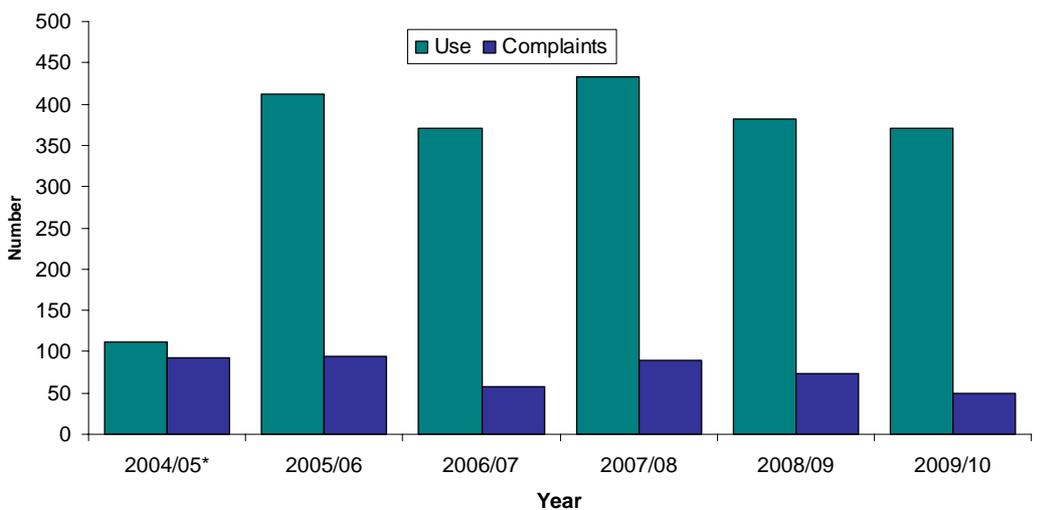
Figure 16: CS Spray drawn and used per year



* CS Spray was introduced on 1 July 2004

As shown in Figure 17, the number of CS Spray complaints received by the Police Ombudsman’s Office decreased steadily between 2007/08 and 2009/10, in line with the trend in the use of CS Spray.

Figure 17: Incidents of CS Spray use and complaints/referrals per year

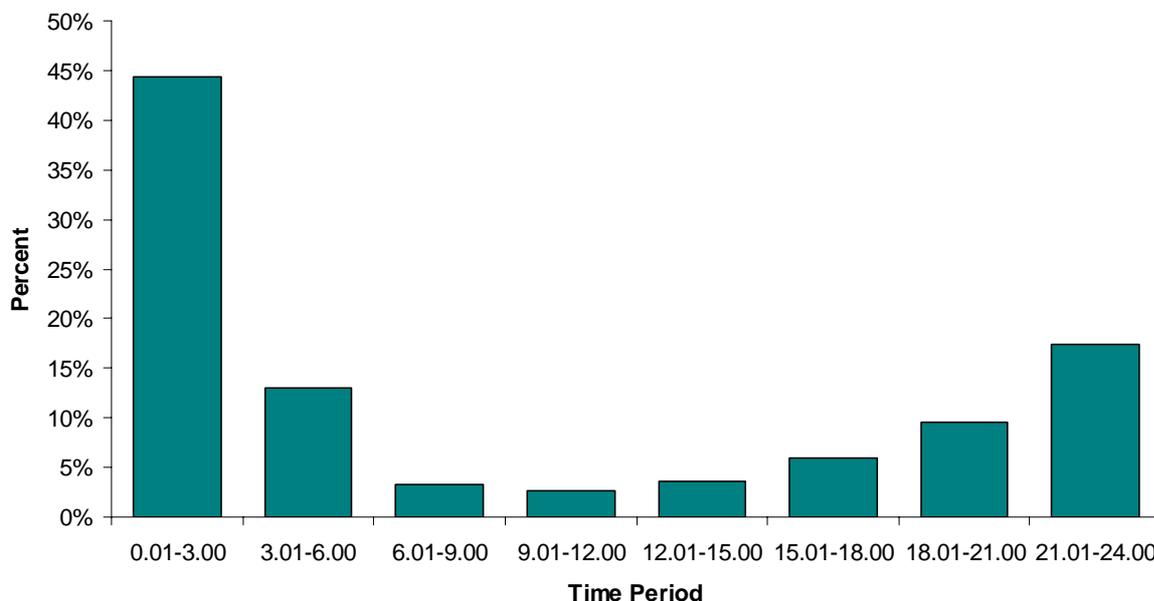


* CS Spray was introduced on 1 July 2004 and all incidents of usage between 1 August and 31 December 2004 were automatically referred to the Police Ombudsman’s Office

Timing of CS Spray incidents recorded by PSNI

Out of 2,884 CS Spray incidents recorded by the PSNI, the time that the CS Spray incident occurred was known in 2,879. If you compare Figure 18 below, with Figure 5 on the time of day of CS Spray allegations, there are similar trend lines for both. For the time of day when CS Spray was drawn or used almost half (44%) of incidents recorded in PSNI data were between midnight and 3am, which compares with 51% of CS Spray allegations received by OPONI.

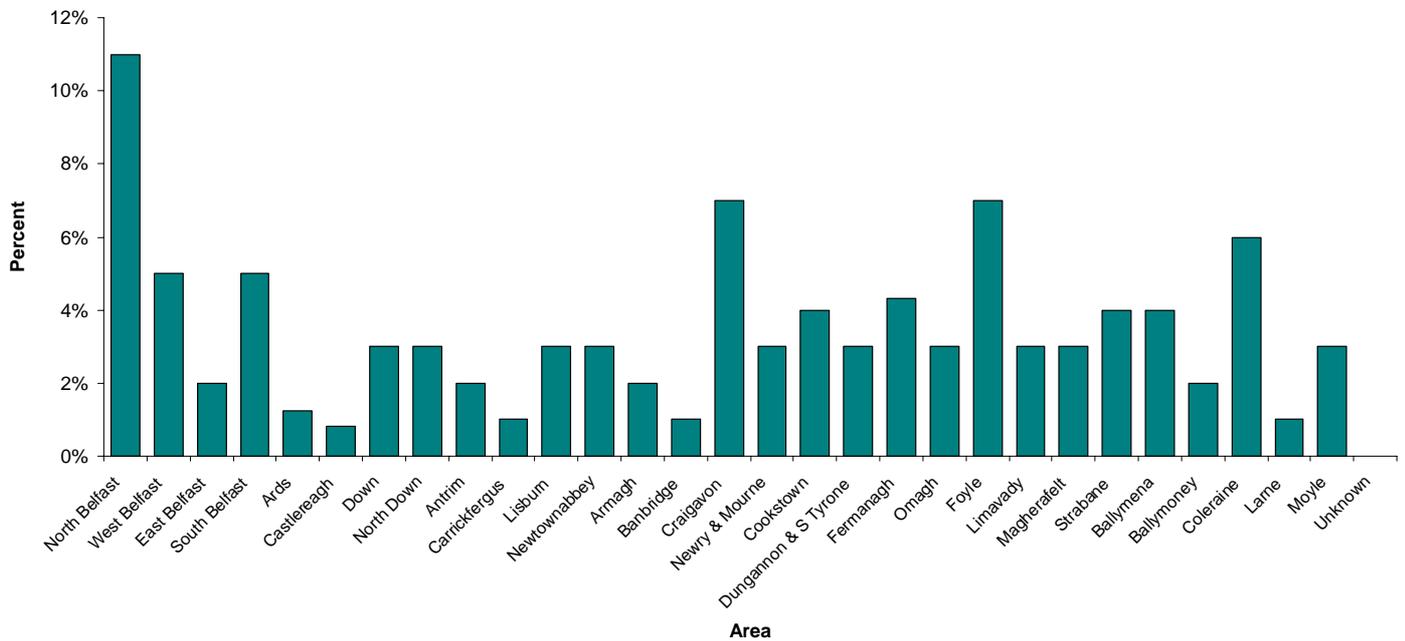
Figure 18: Time of day CS Spray was drawn or used (where known), 1 July 2004 - 31 March 2010



CS Spray drawn or discharged by Policing Area

If you compare the PSNI data in Figure 19 below with the OPONI data in Figure 4 on the percentage of CS Spray allegations by Area, the two Areas with the highest proportions are the same on both. North Belfast is the Area with the most incidents of CS Spray being drawn or used (11%) within PSNI data compared with 18% of CS Spray allegations received by OPONI. Foyle is the second highest Area, with 7% of PSNI incidents compared with 8% of CS Spray allegations received by OPONI.

**Figure 19: Percentage of CS Spray incidents, drawn or used by Area,
1 July 2004 - 31 March 2010**



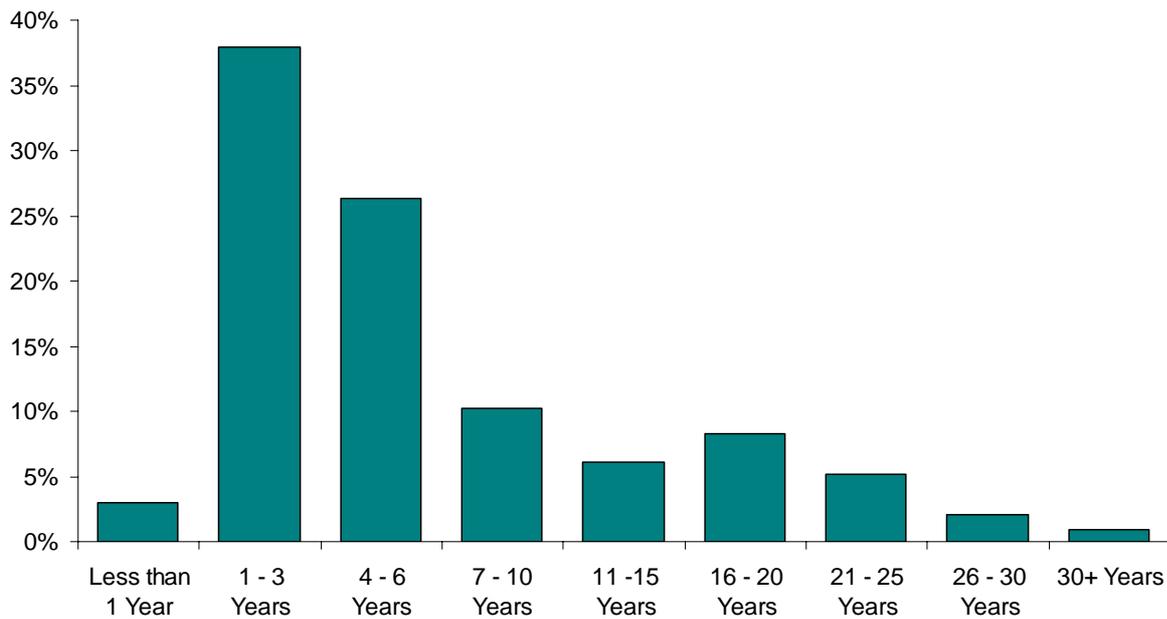
CS Spray incidents, drawn or used, by type of duty

The type of duty has been analysed by PSNI from 1 January 2008 when the Use of Force electronic system was introduced. In the majority of times when CS Spray was drawn or used (81%) the officers were assigned to Mobile Patrol, followed by Public Order with 11%.

CS Spray incidents, drawn or used, by length of service

The length of officers' service has been analysed from data recorded by PSNI from 1 January 2008. As is shown in Figure 20, the use or drawing of CS Spray was more likely to be by officers with relatively shorter lengths of service (excluding less than one year's service).

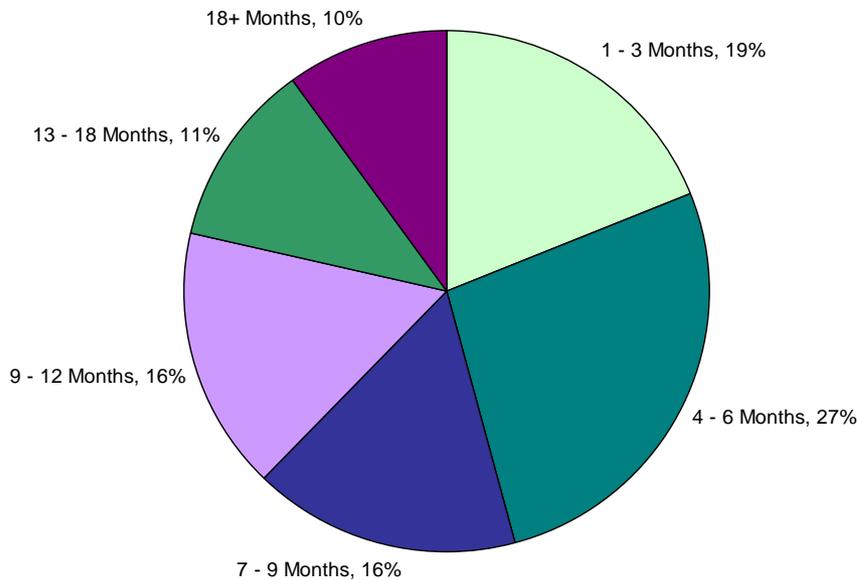
Figure 20: Percentage of CS Spray incidents, by length of service, 1 July 2008 - 31 March 2010



CS Spray incidents, drawn or used, by when the officer’s last CS Spray training was completed

When CS Spray is discharged (but not when it is drawn only) the Use of Force Monitoring system records the length of time since the officer’s last CS Spray training. As Figure 21 shows, out of 853 incidents between 1 January 2008 and 31 March 2010, in more than a fifth of those cases (21%) the officer’s training was outside the recommended period for CS Spray refresher training of 12 months.

Figure 21: CS Spray incidents drawn or used, by when the officer's last CS Spray training was completed (where known), 1 January 2008 - 31 March 2010



CS Spray drawn or used by incident type

Over a third of incidents where CS Spray was drawn or used as recorded in PSNI data related to public order (37%), followed by a quarter of incidents relating to assault. The in-depth analysis of complaints above covering complaints received in 2009/10 found that almost half (48%) related to an incident involving assault, and 16% related to incidents of minor public disorder.

CS Spray drawn or used by incident location

Over half of incidents (54%) where CS Spray was drawn or used occurred on a roadway, followed by 17% in a dwelling. This is reflective of the in-depth analysis above covering complaints received in 2009/10, which found that over half (54%) occurred on a roadway, followed by 20% in a dwelling.

CS Spray drawn or used by reason for use

The reasons for using CS Spray are recorded on the Use of Force Monitoring System. More than one reason is often recorded. Protection of self was recorded most frequently, in 38% of incidents, followed by protection of colleagues in 30% of cases. Arrest and preventing an offence were next highest, with 23% and 22% respectively.

The in-depth analysis covering complaints received in 2009/10 found that the reason deemed most relevant for using CS Spray was effecting arrest (52%), followed by prevention of an offence (18%).

Complaints / Allegations relating to the use of CS Spray

During 2009/10 the Office of the Police Ombudsman received 50 complaints with associated allegations in connection with the use of CS Spray. Two of these related to it being drawn but not used. It was not possible to obtain information on the total number of CS spray incidents for UK Most Similar Forces to PSNI. However, three of the most similar UK police forces to the PSNI (Greater Manchester, West Midlands and Strathclyde) have recorded 11, 25 and 15 complaints/allegations respectively in relation to the use of CS Spray during the same reporting period.

Case Studies

1. The complainant alleged that he was assaulted by police who used CS Spray to affect his arrest.

The scene of the complainant's arrest was visited and photographed by Police Ombudsman investigators. The police vehicle in which the complainant was placed was also photographed and swabs taken. Related medical evidence was secured and witnesses, as well as the police officers directly involved, were interviewed.

An evidence file was forwarded to the Director of Public Prosecutions who directed No Prosecution against any of the police officers concerned. Upon reviewing the related documentation, the Police Ombudsman considered that there was insufficient evidence to warrant disciplinary charges being preferred against any police officer. The Office did, however, take the view that the officer who used the CS Spray should have used more care and attention before doing so and recommended that he receive advice and guidance in relation to avoiding contaminating fellow officers when using CS Spray. The recommendation made by the Office was accepted by police and the officer concerned was subsequently so advised.

2. The complainant appeared at court arising from his arrest when CS Spray was used against him.

The charges against the complainant were dismissed. During the hearing police were unable to produce the CS Spray canister involved and related records. It was the complainant's contention that the loss of the CS Spray canister and associated records was not accidental.

Enquiries by the Office found documentary evidence that the police officer who discharged the CS Spray submitted the canister to his supervisor who sealed it as evidence and placed it into the CS Spray store. When an Investigating Officer from the Office of the Police Ombudsman visited the station concerned neither the canister nor the related register which recorded its use could be located. These

items were subsequently found at a PSNI central storage facility. According to police policy, CS Spray canisters should only be removed to a central storage facility after one year following the incident. In this case, however, the related court case took place within a year of the incident.

As part of the investigation all PSNI officers concerned were interviewed, including the officer responsible for the storage and retention of used CS Spray canisters. The officer denied any neglect, stating that if the canister was dispatched within a year it was an oversight.

Whilst the Office was unable to find sufficient evidence to indicate that any officer was deliberately responsible for the CS Canister not being produced at court, the investigation did, nevertheless, highlight inadequate guidelines for police in dealing with CS canisters. Arising from this, the Office made a number of recommendations to PSNI in relation to the necessity for PSNI to provide clear guidance and training for officers dealing with CS Spray canisters. Specifically, recommendations were made in relation to access to CS Spray and registration, time periods of retention of used CS Spray canisters and the rank of the issuing officers.

3. The complainant stated that whilst dealing with trespassers at his premises, police officers arrived, one of whom sprayed CS Spray indiscriminately and without warning. The complainant was immediately affected but maintains that he was offered no advice. It was the complainant's contention that CS Spray should not have been used in the manner it was, in a confined area, without warning and at close range.

The police officer involved maintained that, fearing for his safety, he used CS Spray in a confined space and conceded that the complainant, who was standing nearby, was affected. The officer claimed to have acted reasonably throughout, stating that a warning was given, that the spray was not discharged indiscriminately and that advice was offered to the complainant. The officer stated that he considered using other options, such as his baton, but did not feel that this was reasonable, rather that, given the circumstances, the use of CS Spray was appropriate and necessary.

Other police at the scene corroborated the officer's account, whilst civilians present gave evidence on behalf of the complainant.

Having carefully considered all the evidence available, the Office concluded that the evidence was insufficient to warrant disciplinary proceedings against the officer concerned.

4. The complainant alleged that upon arrival of police at a minor disturbance an officer, without warning, used CS Spray indiscriminately on the crowd which had gathered. The complainant also alleged that a short time later during his arrest he was assaulted by police officers and sprayed by CS Spray in the face at point blank range. Upon arrival in custody, the complainant maintained that he spent a number of hours in a police cell and was not seen by a doctor.

Following an extensive investigation during which medical evidence was secured, door to door enquiries carried out and a large number of police officers and civilian witnesses were interviewed, a report on the incident was forwarded to the Director of Public Prosecutions who directed No Criminal Prosecution against any of the police officers involved.

Upon reviewing the evidential papers, the Police Ombudsman, whilst concluding that there was insufficient evidence to substantiate the complainant's allegations of assault by police, nevertheless, recommended that an officer receive Advice and Guidance in relation to his failure to task a doctor to examine the complainant subsequent to his arrival in custody, in accordance with police policy directives. The recommendation was accepted by PSNI and the officer concerned was suitably advised.

5. In this case it was alleged that following a police search of the complainant's home, the complainant's daughter found a CS Spray canister in the home and sprayed same in the complainant's face.

The police officer responsible for the safe-keeping of the canister was interviewed by the Police Ombudsman's Investigating Officer and conceded that, on this occasion,

he had failed in his duty. Following a recommendation made by the Office, the officer subsequently received a disciplinary sanction.

As a result of related issues which the Office brought to the attention of PSNI in respect of the security of CS Spray canisters, a solution in the form of a lanyard was to be rolled out to the service. This would attach to the officer's belt and to the holster, so even if the canister detaches from the belt, it would remain attached to the officer via the lanyard.

6. The complainant alleged that when police arrived at the scene of a reported disturbance an officer walked towards him and, without warning or provocation, sprayed him in the face with CS Spray. The complainant was subsequently arrested by police.

Following an investigation by the Office an evidential file was forwarded to the Director of Public Prosecutions who directed No Prosecution against the officer concerned. Having carefully considered all the evidence available, the Office concluded that it was insufficient to warrant disciplinary proceedings against the officer concerned.

7. The complainant alleged that following an evening out with friends he was arrested by police for no valid reason and was sprayed with CS Spray, without warning or justification, three times in the face.

The Office launched an investigation into the circumstances surrounding the incident, interviewing the complainant in relation to the allegations. Whilst in the process of securing additional evidence in relation to the incident under investigation, the complainant contacted the Investigating Officer requesting a meeting. When they met, the complainant indicated he wanted to withdraw his complaint and signed a statement to this effect. No further action was taken by the Office in relation to this matter.

Conclusion and Recommendations

It has been the case that the PSNI have accepted and implemented the vast majority of recommendations relating to CS Spray made by the Police Ombudsman. However, it is important, for the purpose of ensuring the continuance of good practice, to highlight and re-emphasise key areas associated with the use of CS Spray. These include, in particular, accurate recording, aftercare issues and effective training. Arising from the research conducted in producing this report, the Police Ombudsman makes the following recommendations:

1. That PSNI reinforces the need for officers to issue a warning prior to the use of CS Spray.
2. That, where practicable and where it does not delay transportation of prisoners, and when it does not compromise the safety of officers or other individuals, police officers provide CS3 forms to bystanders who are affected by CS Spray.
3. That Custody Officers ensure that custody records detail that enhanced cell supervision of persons who have been CS Sprayed has taken place, recording the level of observation and reminder times and reasons.
4. That Custody Officers ensure that they record whether a CS3 form has been given. It is also recommended that the CS3 form is given when the person first arrives at the station.
5. That PSNI add a field to the electronic use of Force Monitoring System to record details of justification for spraying whilst restrained.
6. That PSNI add a field to the Use of Force Monitoring System to record whether another officer used their CS Spray at the same incident, where practicable.
7. That PSNI add a section to the Use of Force Monitoring System to record which elements of aftercare were given.
8. That police officers highlight to the detained person suffering from the effects of CS Spray that they might be kept outside for a further 20 minutes at the

station before being taken into the custody suite to allow the CS particles to disperse.

9. That PSNI ensure that all operational officers receive annual refresher training in the use of CS Spray.

PSNI Response

The Police Ombudsman informed the PSNI of the above recommendations prior to the publication of this report and received the following response:

We of course welcome the report by the Police Ombudsman. As a Service committed to providing professional and protective policing, we plan to implement the recommendations contained in the report.

Appendix 1: Statistical Tables¹

Overview of Complaints and Allegations Received by the Office, 1 July 2004 - 31 March 2010

Table 1: Allegations received by year, 1 July 2004 - 31 March 2010

Year	Number of CS Spray allegations	Number of all allegations
2004/05*	94	3268
2005/06	102	5514
2006/07	62	5640
2007/08	99	5432
2008/09	80	5406
2009/10	51	6469
Total	488	31729

*CS Spray was introduced on 1 July 2004

Table 2: Factor underlying complaints received, 1 July 2004 - 31 March 2010

Complaint Factor	Number relating to CS Spray	Number relating to all complaints
Arrest (i.e. during or immediately following)	263	3689
CHIS Approach	0	10
Criminal Investigation	34	5080
Death in or following custody	0	6
Deaths during or following other types of contact	0	15
Domestic Incident (incl neighbour dispute)	16	462
Domestic violence	0	72
During detention (not during arrest or interview)	3	181
During interview at Police Station / Serious Crime Suite	0	51
Fatal road traffic incidents	0	4
Low-flying helicopter	0	2
Other	82	3325
Parade/demonstration	4	250
Police enquires (no investigation)	3	635
Police identification	1	62
Search (i.e. person, vehicle, premises)	3	1047
Section 44 search	0	84
Sporting event	0	18
Timeliness of police response	0	34
Traffic related incident	4	2040
Unknown	46	1105
Total	459	18172

¹ Note: The data provided was extracted from the Office's 'live' Case Handling System on 20th October 2010, and may therefore be subject to future review.

Table 3: Allegations Received by DCU and ACU, 1 July 2004 - 31 March 2010

DCU	Area	Number relating to CS Spray	Number relating to all allegations
A District	North Belfast	88	2833
	West Belfast	26	1622
	Sub-total	114	4455
B District	East Belfast	6	1522
	South Belfast	18	2297
	Sub-total	24	3819
C District	Ards	6	1004
	Castlereagh	4	755
	Down	5	859
	North Down	11	1162
	Sub-total	26	3780
D District	Antrim	8	1155
	Carrickfergus	11	691
	Lisburn	13	1665
	Newtownabbey	22	829
	Sub-total	54	4340
E District	Armagh	11	820
	Banbridge	2	580
	Craigavon	30	1255
	Newry & Mourne	15	1076
	Sub-total	58	3731
F District	Cookstown	15	513
	Dungannon & S Tyrone	5	633
	Fermanagh	21	710
	Omagh	22	664
	Sub-total	63	2520
G District	Foyle	40	1594
	Limavady	10	558
	Magherafelt	6	425
	Strabane	10	531
	Sub-total	66	3108
H District	Ballymena	14	1339
	Ballymoney	2	214
	Coleraine	34	1900
	Larne	3	520
	Moyle	15	202
	Sub-total	68	4175
Unknown		15	1801
Total		488	31729

Table 4: Allegations relating to CS Spray by Station, 1 July 2004 - 31 March 2010

DCU	Area	Police Station	Number
A District	North Belfast	Antrim Road	32
		Belfast Harbour - HQ Functions	0
		Greencastle	2
		North Queen St - HQ Functions	1
		Oldpark	14
		Tennent St	21
		York Road	18
	West Belfast	Andersonstown	1
		Grosvenor Rd	8
		New Barnsley	7
Woodbourne		10	
B District	East Belfast	Belfast City Airport - HQ Functions	0
		Garnerville - HQ Functions	0
		Knock (Brooklyn)	0
		Knocknagoney - HQ Functions	0
		Mountpottinger	0
		Stormont	0
		Strandtown	6
		Willowfield	0
	South Belfast	Ballynafeigh	2
		Donegall Pass	6
		Lisburn Rd	3
		Lislea Drive - HQ Functions	0
		Musgrave St	7
C District	Ards	Comber	0
		Donaghadee	1
		Greyabbey - Storage	0
		Newtownards	5
		Portaferry	0
	Castlereagh	Carryduff	0
		Castlereagh	2
		Dundonald	2
		Ladas Drive - HQ Functions	0
		Lisnasharragh - HQ Functions	0
	Down	Ballykinler - Training	0
		Ballynahinch	3
		Crossgar	0
		Downpatrick	1
		Killyleagh	0
		Newcastle	1
		Saintfield	0
	North Down	Bangor	9
		Hollywood	2

Table 4 (cont.): Allegations relating to CS Spray by Station, 1 July 2004 - 31 March 2010

DCU	Area	Police Station	Number
D District	Antrim	Antrim	7
		Belfast International Airport - HQ Functions	0
		Crumlin	1
		Randalstown	0
		Steeple Barracks - HQ Functions	0
	Carrickfergus	Carrickfergus	10
		Seapark - HQ Functions	0
		Whitehead	1
	Lisburn	Dromara	0
		Dunmurry	4
		Hillsborough	0
		Lisburn	9
		Moira	0
		Sprucefield - HQ Functions	0
	Newtownabbey	Ballyclare	3
Glengormley		2	
Newtownabbey		17	
E District	Armagh	Armagh	8
		Gough - HQ Functions	0
		Keady	2
		Loughgall	0
		Markethill	1
		Tandragee	0
	Banbridge	Banbridge	2
		Dromore (Down)	0
		Gilford	0
		Rathfriland	0
	Craigavon	Craigavon - Brownlow	2
		Lurgan	11
		Mahon Rd	0
		Portadown	17
	Newry & Mourne	Bessbrook	5
		Crossmaglen	0
		Kilkeel	0
		Newry - Ardmore	10
		Newtownhamilton	0
		Warrenpoint	0
F District	Cookstown	Cookstown	15
	Dungannon	Aughnacloy	0
		Carrickmore	0
		Clogher	1
		Coalisland	0
		Dungannon	4
	Fermanagh	Ballinamallard	1
		Enniskillen	20
		Irvinestown	0
		Kesh	0
		Lisnaskea	0
	Omagh	Beragh	3
		Fintona	0
		Omagh	19

Table 4 (cont.): Allegations relating to CS Spray by Station, 1 July 2004 - 31 March 2010

DCU	Area	Police Station	Number
G District	Foyle	Claudy	2
		Eglinton	0
		Lisnagelvin - HQ Functions	0
		Maydown - HQ Functions	1
		Strand Rd	31
		Waterside	6
	Limavady	Ballykelly - Training	0
		Dungiven	1
		Limavady	9
		Magilligan - Training	0
	Magherafelt	Bellaghy	0
		Castledawson	1
		Maghera	2
		Magherafelt	3
	Strabane	Castledearg	2
		Donemanagh	0
Newtownstewart		2	
Strabane		6	
H District	Ballymena	Ballymena	14
		Broughshane	0
		Kells	0
		Portglenone	0
	Ballymoney	Ballymoney	2
	Coleraine	Coleraine	27
		Garvagh	0
		Portrush	7
	Larne	Glenarm	1
		Larne	2
		Larne - HQ Functions	0
	Moyle	Ballycastle	9
Bushmills		0	
Cushendall		6	
Unknown	Unknown	Unknown	15
Total			488

Table 5: Allegation Types, 1 July 2004 - 31 March 2010

Allegation Type	Number relating to CS Spray allegations	Number relating to all allegations
Failure in Duty	20	12626
Incivility	0	4307
Oppressive Behaviour	406	10220
Other	62	4576
Total	488	31729

Table 6: Other Allegation Types associated with CS Spray complaints, 1 July 2004 - 31 March 2010

Allegation Type	Number
Failure in Duty	90
Incivility	87
Oppressive Behaviour	415
Other	52
Total	644

Table 7: Allegations received by Location, 1 July 2004 - 31 March 2010

Location	Number relating to CS Spray	Number relating to all allegations
Domestic residence	106	5330
Inside Police Vehicle	0	157
Inside/Outside Business Premises	1	179
Inside/Outside Licensed Premises	34	500
On Street / Road	282	8916
Other location	35	2367
Police station	11	10978
Police station (Custody Suite/Serious Crime Suite)	0	234
Police Vehicle	6	1226
Unknown	13	1842
Total	488	31729

Table 8: Allegations received by Time of Day, 1 July 2004 - 31 March 2010

Time of day	Number relating to CS Spray	Number relating to all allegations
0.01 - 03.00	137	2941
03.01 - 06.00	24	687
06.01 - 09.00	10	505
09.01 - 12.00	18	1134
12.01 - 15.00	16	1070
15.01 - 18.00	15	1318
18.01 - 21.00	18	1669
21.01 - 24.00	33	1776
Unknown	217	20629
Total	488	31729

Table 9: Allegations received by Day of the Week, 1 July 2004 - 31 March 2010

Day of the week	Number relating to CS Spray	Number relating to all allegations
Monday	49	3478
Tuesday	45	3499
Wednesday	28	3417
Thursday	33	3465
Friday	48	3971
Saturday	117	4839
Sunday	161	4806
Unknown	7	4254
Total	488	31729

Table 10: Allegations received related to the use of other weapons, 1 July 2004 - 31 March 2010

Year	Number relating to CS Spray	Number relating to Batons	Number relating to Discharge of Firearm	Number relating to Tasers
2004/05	94	70	1	-
2005/06	102	144	15	-
2006/07	62	89	48	-
2007/08	99	101	5	-
2008/09	80	66	2	10
2009/10	51	48	6	10
Total	488	518	77	20

Table 11: Outcome of complaints closed, 1 July 2004 - 30 November 2008

Closure Types	Number relating to CS Spray
Action arising & substantiated - no action recommended	31
All other categories including Outside Remit	22
Ill-Founded	6
Non-cooperation by complainant	70
Not Substantiated	171
Withdrawn by complainant	44
Total	344

Table 12: Recommendations arising from allegations closed, 1 December 2008 - 31 March 2010

Recommendation Type	Number relating to CS Spray
Action arising & substantiated - no action recommended	1
All other categories including Outside Remit	1
Ill-Founded	2
Non-cooperation by complainant	36
Not Substantiated	133
To PPS No Criminal Charges Recommended	76
Withdrawn by complainant	12
Total	261

Table 13: Profile of CS Spray complainants by Age and Gender, 1 July 2004 - 31 March 2010

Age Group	Male	Female
16 - 24	24%	5%
25 - 34	25%	5%
35 - 44	20%	7%
45 - 54	8%	2%
55 - 64	2%	2%
65+	0%	0%
Total	79%	21%

Table 14: Profile of all complainants by Age and Gender, 1 July 2004 - 31 March 2010

Age Group	Male	Female
16 - 24	18%	4%
25 - 34	15%	6%
35 - 44	17%	10%
45 - 54	13%	6%
55 - 64	6%	2%
65+	3%	1%
Total	71%	29%

In-depth analysis of complaints received by the Office, 1 April 2009 - 31 March 2010

Table 15: CS Spray used in Open/Enclosed Space, 1 April 2009 - 31 March 2010

Area type	Number
Open space	34
Enclosed space	11
Not applicable *	5
Total	50

* The not applicable category relates to CS Spray being drawn only or used on someone else and the complainant was not affected.

Table 16: Use of CS Spray by location of use, 1 April 2009 - 31 March 2010

Location of CS Spray discharge	Number
Dwelling	10
Garden or Driveway	5
Licensed Premises	2
Motor Vehicle	1
Not applicable	5
Roadway	27
Total	50

Table 17: Distance from CS Spray discharge, 1 April 2009 - 31 March 2010

Distance	Number
Less than 1m	2
1-4m	16
Disputed	12
Unknown	14
Not applicable	6
Total	50

Table 18: Circumstances of the CS Spray incident, 1 April 2009 - 31 March 2010

Circumstances	Number
Assault	24
Crime	3
Domestic Dispute	3
Other	6
Public Disorder	8
Rowdy or inconsiderate behaviour (YCA)	1
Terrorism	1
Traffic	1
Unknown	3
Total	50

Table 19: Reason for using CS Spray, 1 April 2009 - 31 March 2010

Reason	Number
Effect Arrest	26
Effect Search	1
Prevent an Offence	9
Protection of a colleague(s)	4
Protection of public	1
Self-defence/Protect Self	6
Unknown	3
Total	50

Table 20: Use of a warning prior to CS Spray discharge, 1 April 2009 - 31 March 2010

	Number
Yes	14
No	12
Disputed	14
Unknown	9
Not applicable	1
Total	50

Table 21: Use of Restraint, 1 April 2009 - 31 March 2010

	Number
Yes	1
No	37
Disputed	2
Not applicable	8
Unknown	2
Total	50

Table 22: Issues relating to the use of CS Spray, 1 April 2009 - 31 March 2010

Issue	Number
Alcohol	30
Drugs	0
Mental Health	4
Other	14
Unknown	2
Total	50

Table 23: Number of CS Spray discharges per incident, 1 April 2009 - 31 March 2010

	Number
None - Spray drawn not used	3
One	44
Two	2
More than two	0
Disputed	0
Unknown	1
Total	50

Table 24: Aftercare given following CS Spray discharge, 1 April 2009 - 31 March 2010

	Number
Yes	19
No	8
Declined	1
Disputed	1
Ran off	3
Unknown	13
Not applicable	5
Total	50

Table 25: Bystanders or Police Officers affected by CS Spray, 1 April 2009 - 31 March 2010

	Number
Bystanders	19
No-one affected	8
Police Officers	6
Unknown	13
Not applicable	4
Total	50

Table 26: Profile of CS Spray officer and all police officers by Age and Gender, 1 April 2009 - 31 March 2010

Age group	CS Spray Officers		All Officers	
	Male	Female	Male	Female
Under 35	48%	15%	16%	11%
Over 35	34%	3%	59%	14%
Total	82%	18%	75%	25%

Table 27: Profile of police officers by Rank, 1 April 2009 - 31 March 2010

Rank	CS Spray Officers	All Officers
ACC & above	0%	0%
Chief Superintendent/Superintendent	0%	1%
Chief Inspector/Inspector	0%	6%
Sergeant	10%	13%
Constable/FT Reserve Constable	90%	80%
Total	100%	100%

Table 28: Profile of police officers by Length of Service, 1 April 2009 - 31 March 2010

Length of service (years)	CS Spray Officers	All Officers
0-5	71%	31%
6-10	15%	13%
11+	15%	56%
Total	100%	100%

Analysis of all incidents relating to CS Spray (recorded by PSNI)

Table 29: Number of CS Spray complaints (received by the Office) by year, 1 July 2004 - 31 March 2010

Year	Number
2004/05*	93
2005/06	95
2006/07	58
2007/08	90
2008/09	73
2009/10	50
Total	459

* CS Spray was introduced on 1 July 2004.

Table 30: Nature of CS Spray Incidents by year, 1 July 2004 - 31 March 2010

Year	CS Spray drawn not used	CS Spray used	Complaints/Referrals received by OPONI	% of complaints as a proportion of incidents recorded
2004/05*	79	112	93	49%
2005/06	142	412	95	17%
2006/07	91	370	58	13%
2007/08	100	433	90	17%
2008/09	176	382	73	13%
2009/10	217	370	50	9%
Total	805	2079	459	16%

Table 31: Number of CS Spray Incidents by Time of Day, 1 July 2004 - 31 March 2010

Time period	Number
0.01-3.00	1279
3.01-6.00	374
6.01-9.00	97
9.01-12.00	75
12.01-15.00	105
15.01-18.00	173
18.01-21.00	275
21.01-24.00	501
Total	2879

Table 32: Number of incidents where CS Spray used/drawn by Area Command Unit, 1 July 2004 - 31 March 2010

ACU	Number
Antrim	47
Ards	63
Armagh	46
Ballymena	119
Ballymoney	49
Banbridge	16
Carrickfergus	32
Castlereagh	21
Coleraine	178
Cookstown	123
Craigavon	190
Down	77
Dungannon & South Tyrone	80
East Belfast	70
Fermanagh	110
Foyle	196
Larne	34
Limavady	86
Lisburn	74
Magherafelt	97
Moyle	95
Newry & Mourne	81
Newtownabbey	96
North Belfast	331
North Down	86
Omagh	98
South Belfast	139
Strabane	106
West Belfast	144
Total	2884

Table 33: Number of incidents of CS Spray used/drawn by Type of Duty, 1 January 2008 - 31 March 2010

Type of Duty	Number
Armed Response Vehicle	3
Drugs	1
Foot Patrol	30
Mobile Patrol	1038
Other	25
Public Order	141
Single Officer Patrol	13
Traffic	11
TSG	12
Total	1274

Table 34: Number of incidents of CS Spray used/drawn by officer length of service, 1 January 2008 - 31 March 2010

Length of Service	Number
Less than 1 Year	38
1 - 3 Years	482
4 - 6 Years	334
7 - 10 Years	130
11 -15 Years	78
16 - 20 Years	105
21 - 25 Years	65
26 - 30 Years	27
30+ Years	11
Total	1270

Table 35: Number of incidents of CS Spray used/drawn by length of time since officer last received CS training, 1 January 2008 - 31 March 2010

Officer Last CS Training	Number
1 - 3 Months	161
4 - 6 Months	231
7 - 9 Months	138
9 - 12 Months	140
13 - 18 Months	97
18+ Months	86
Total	853

Table 36: Number of incidents of CS Spray used/drawn by Incident Type, 1 January 2008 - 31 March 2010

Incident Type	Number
Alarm	2
Assault	323
Crime	107
Custody	2
Domestic	163
Firearms	6
Other	109
Public Order	472
Rowdy or Inconsiderate Behaviour	16
Sexual Offence	1
Suspicious Person	21
Terrorism	3
Traffic	49
Total	1274

Table 37: Number of incidents of CS Spray used/drawn by Location, 1 January 2008 - 31 March 2010

Incident Location	Number
Boat	1
Car Park	75
Commercial Premises	10
Custody Suite	1
Dwelling	212
Garden/ Driveway	99
Hospital	7
Licensed Premises	31
Motor Vehicle	4
Other	106
Public Building	11
Public Park	28
Roadway	689
Total	1274

Table 38: Number of incidents of CS Spray used/drawn by reason for use, 1 January 2008 - 31 March 2010

Reason for use	Number
Self	1107
Other Officer	866
Public	448
Evidence	17
Property	90
Offence	627
Harm	286
Arrest	668
Search	27
Apply	202
Remove	2
Accident	4
Other	11
Total	4355



Making Northern Ireland Safer For Everyone Through Professional, Progressive Policing

PROTECT

CS AEROSOL INCAPACITANT - ISSUE REGISTER

Serial No. Weight	Officer to whom issued		Officer Issuing/Receiving		Date Issued/ Transferred In	Date Returned/ Replaced/ Transferred Out	Reason/ New Location	Station Ref. No.
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THIS FORM SHOULD BE RETAINED FOR A PERIOD OF 6 YEARS

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INFORMATION SHEET FOR PERSONS SPRAYED WITH CS INCAPACITANT SPRAY

You have been sprayed with approximately a 5% solution of CS in the solvent Methyl Iso-butyl Ketone (MIBK), with a nitrogen propellant. This may have the following effects:

- May cause discomfort to your eyes and a burning sensation to your skin. You may also have difficulty in breathing and tightness of the chest accompanied by coughing.
- Exposure to fresh air will normally result in recovery from most symptoms within 15 minutes. If the symptoms persist you should consult your doctor. Take this sheet with you.
- CS may cause damage to certain types of contact lens. If you have problems with your lenses, you should consult an optician. Take this sheet with you.
- Any clothing returned to you that may be contaminated with CS should be washed several times in normal detergent before use.

MIBK

- This may cause your skin to go red after time and you may have flaking or blistering of the skin, which could continue for up to a week. If this happens you should consult your doctor.

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USEFUL FACTS ABOUT CS

The Police Service of Northern Ireland uses a CS Incapacitant Spray that has a 5% concentration of CS in the solvent Methyl Iso-butyl Ketone (MIBK) with a nitrogen propellant.

What is CS?

CS is a white crystalline solid that melts at 94-95°C and boils at 310-315°C. Its chemical name is 2 - chlorobenzylidene malononitrile, but it is commonly called CS from the initials of Corson and Stoughton who were the first people to synthesise it in 1928.

How does a CS spray work?

When the CS solution is sprayed from the aerosol, the solvent will evaporate, leaving a fine dispersion of CS particles. These particles will be inhaled by the suspect and they will affect the sensory receptors in skin, eyes and lining membranes of the nose, mouth, upper respiratory and gastrointestinal tracks, causing a comparatively rapid but short-lived disablement.

What happens when someone is sprayed with CS?

When someone is exposed to CS the effects can vary depending on the level of exposure and the individual concerned, however, the following symptoms may be experienced: pain and discomfort in the eyes which will cause excessive watering, involuntary spasm of the eyelids leading to blinking or closure of the eyes, burning sensation in the nose and throat, excessive nasal secretion, excess salivation, burning and constriction of the chest, sneezing, coughing, retching and a stinging or burning sensation on exposed skin.

How quickly does CS have an effect?

CS will have an effect within 20 seconds - this time will depend on the concentration of the CS, the atmospheric conditions and the susceptibility of the individual.

How long will the effects last?

Significant symptoms will wear off quickly when the suspect is exposed to fresh air, this will usually be less than 15 minutes.

Does CS work on everybody?

In theory CS should work on everybody, in practice there are some individuals who may be less affected than others.

Is CS flammable?

CS itself is not flammable but the solvent (MIBK) is. The CS aerosol should not be used where there are **naked flames**.

Does it work on dogs or other animals?

No, animals are not affected by CS in the same way as humans.

CS INCAPACITANTS

Guidelines for Police Medical Professionals

General Issues (Health and Safety)

CS has been well researched from a toxicological standpoint and whilst there are short-term effects detailed below, there is no evidence of harmful long-term effects.

Clinical Effects

The levels at which effects are noted are set out below.

CS Concentration in Air	Effect
0.004 mg.m ³	Just detectable - slight irritation of eyes and nose
0.5 mg.m ³	Sufficient to make bystanders hurry away
4.0 mg.m ³	Sufficient to disperse a rioting crowd
10.0 mg.m ³	Sufficient to deter trained troops

The clinical effects and normal average duration are detailed below.

Symptom	Onset Time	Time to Relief
Inflammation of conjunctiva	0-10 secs	25-30 mins
Pain in eyes	0-10 secs	25-30 mins
Reduced visual acuity	0-10 secs	25-30 mins
Excess lachrymation	0-10 secs	15 mins
Blepharospasm	0-10 secs	25-30 mins
Rhinorrhoea	0-10 secs	25-30 mins
Burning sensation	0-10 secs	25-30 mins
Coughing	0-10 secs	10 mins
Photophobia (10% of subjects)	0-10 secs	1 hour
Difficulty breathing	0-10 secs	10 mins
Tightness/pain in chest	0-10 secs	5 mins
Irregular breathing including breath holding for short periods	0-10 secs	10 mins
Apprehension	0-10 secs	
Stinging/burning sensation in skin	few minutes	15 mins
Erythema skin	few minutes	24-48 hours
Erythema eyelids	few minutes	1 hour

Management

General

In the majority of cases, effects resolve spontaneously within 15-30 minutes after cessation of exposure and medical treatment is usually not required. Reassurance is essential. The most important first-line treatment is removal from exposure. Clothing, if contaminated should be removed. Please note, replacement clothing will be required. Medical personnel should wear gloves. Casualties should be placed in a well ventilated area, preferably where there is a free flow of air to ensure rapid dispersal of the CS.

Eye Irritation

Usually tear secretions are sufficient to remove the chemical from the eyes, but where ocular effects persist, eye irrigation should be undertaken using saline or water. Ophthalmological referral is indicated for patients with severe ocular effects.

Skin

The skin should be washed with soap and water if necessary. Further treatment is unlikely to be required. Any chemical burns should be treated as thermal burns. Topical steroids may be used for contact dermatitis.

Delayed skin irritation (onset 8-16 hours after exposure) has been observed in a significant number of cases. Symptoms gradually settle, but have taken up to one week to disappear. This is thought to be related to the solvent (MIBK) in which the CS is held in the particular formulation used. Anyone sprayed should be advised to consult their GP if symptoms arise. Treatment is symptomatic.

Respiratory System

Patients with persistent significant breathing difficulties lasting more than 15-20 minutes should be referred to hospital for assessment and observation. Humidified oxygen may provide symptomatic relief.

A simple cough linctus may help. Particular consideration should be given to people with existing pulmonary or cardiac disorders and normal clinical protocols followed.

Cardiovascular Symptom

Anyone suffering from pre-existing cardiovascular abnormalities should be examined and monitored by medical personnel and referred if necessary, as hypertension can be exacerbated.

Clothing may be decontaminated by washing in a conventional washing machine with a normal powder or liquid. The clothing should be washed several times before wearing, to ensure all the chemical is removed.

Conclusion

These comments are intended as a general guideline for medical personnel, to assist in assessing and treating any adverse reactions to CS.

Aftercare

Anyone suffering the effects of CS may be angry, frightened, or both. It is important to offer reassurance and provide aftercare to minimise the discomfort caused by the irritant.

Simply by moving the individual to an uncontaminated area and allowing fresh air to blow into their face, dries the crystals and removes them from the face and clothing.

Normal recovery will be made within 10-15 minutes

Officers administering aftercare should:

- Reassure the individual.
- Explain that the effects are temporary.

- Encourage normal breathing to prevent hyperventilation.
- Move the subject to an uncontaminated area.
- Face the subject into a breeze or a fan.
- Prevent eye rubbing and the use of water in the eyes.
- Remember that people suffering from CS may have difficulty hearing properly. This may necessitate officers repeating short statements in a louder than normal voice.
- Closely monitor the sprayed person's condition throughout the recovery period.
- If reactions persist longer than 15 minutes, then copious amounts of cool tap water should be used to flush remaining CS from the face. Warm water must **not** be used.
- Irrigation of the eyes should only be undertaken by trained medical personnel.

Contact Lenses

On exposure to CS the eyes will water and close, it is not easy to remove lenses under these conditions. Subjects should allow their eyes to close, as the tears act as natural irrigation to the eyes. Once the subject feels able to remove the lenses, it is important that they clean their hands and wash the area immediately **around** their eyes with copious amounts of cool water. This is because there may be particles of CS on and around these areas. The skin in these areas is less sensitive than the eyes and therefore, the subject may not be aware of the presence of residual CS.

Rigid lenses

It is believed that the normal tearing effect will irrigate the eye in the same way as a non-lens wearer. As the lens will not absorb CS it should be relatively easy to clear the lens by normal care.

Non-rigid - 'soft' lenses

These lenses will allow CS to enter into and through the lens material. This may mean the wearer will suffer greater discomfort, as the CS will permeate into the lens. There is little experience in whether these types of lenses can be successfully cleaned or whether CS will remain trapped in the lens. Additionally, the lenses are more likely to be damaged and the effect of the solvent on them is unknown. Until further information is available it is best to assume that the lens will be damaged and it should not be worn again.

Any person who shows any form of adverse reaction, should be provided with medical attention at the earliest opportunity, by calling the Northern Ireland Ambulance Service. The hospital should be advised that a person suffering from the effects of CS is attending, so that they can take precautionary measures to avoid cross-contamination with other patients.

Decontamination

CS Spray is bio-degradable and does not require any special decontamination procedures to be carried out. Normal ventilation will remove CS spray from the environment within 45 minutes, although sometimes it may take longer, depending upon the amount of spray used and the level of ventilation available. This applies to cells as well.

The normal washing of clothing is sufficient to remove from it any CS contamination. However, in some cases, several washes may be needed.



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CS INCAPACITANT INFORMATION SHEET FOR CUSTODY STAFF

- Check the physical condition of the subject.
- If the subject has not recovered from the effects of CS after 15 minutes from the time of spraying, arrange for them to wash (*under supervision*) with copious amounts of cold water. **The subject should not wash their eyes.**
- Arrange for the subject to be examined by the FMO or medical personnel.
- Place any clothing that has been in contact with CS spray in a sealed bag.
- Upon returning the clothing, the subject should be advised to have the items washed prior to use.
- Segregate the subject from other subjects.
- Provide subjects with enhanced cell supervision, as for subjects who are under the influence of drink/drugs.
- If the symptoms persist the subject should be removed to hospital.
- Prior to releasing the subject, they should be handed a Form CS3 informing them of the spray which has been used, and the action they should take if they suffer any additional problems.



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INFORMATION FOR OWNERS AND OCCUPIERS OF PREMISES WHERE CS INCAPACITANT SPRAY HAS BEEN USED

A CS Incapacitant spray with a concentration of 5% CS dissolved in a liquid solvent (Methyl Iso-Butyl Ketone) has been used by the Police Service of Northern Ireland on your premises. It is possible that some residue may remain on surfaces or articles.

To help remove the residue, you should:

- Open windows and doors for at least 45 minutes.
- If effects persist, wash surfaces with a detergent or hot soapy water, and then rinse with copious amounts of water. It is advisable to wear disposable rubber gloves.

In shop premises where it is suspected that a product, particularly food, has been contaminated, you should remove the product from display and refer to the shop policy.

What happens when someone is exposed to CS?

When a person is exposed to CS the effects can vary depending on the level of exposure and the person concerned. However, they may experience the following symptoms:

- Pain and discomfort in the eyes, which can cause excessive watering.
- Involuntary spasm of the eyelids, leading to blinking or closing of the eyes.
- A burning sensation in the nose and throat.
- A running nose or dribbling from the mouth.
- A burning sensation and tightening of the chest.
- Sneezing, coughing or retching.
- Stinging or burning sensation on exposed skin.

Anyone coming into contact with CS may display some or all of the above symptoms.

You should not rub your eyes or skin as this may make it worse. You should move outside into the fresh air and try to breathe normally.

How long will the effects last?

The symptoms described above will usually wear off within 15 minutes. If symptoms persist, medical assistance should be sought.

If you require further information please contact your local Police Station.

Data Sources

Complaints and Allegations Data

All Section 55 referrals, complaints and allegations, were identified from the Police Ombudsman's Complaint Management System (CMS) and Complaint Handling System (CHS). The CMS was operational until the end of November 2008 when it was replaced by the CHS. The CMS is a complaint based system and the CHS is an allegation based system.

Police Officer Characteristics

On the CMS, all officers associated with a complaint are linked to all allegations within that complaint. It is therefore not possible to accurately analyse this data set in detail as it is not apparent which officers are associated with any particular allegation within a complaint. On the CHS, individual police officers are associated with relevant allegations only. A nominal roll provided by the PSNI at the start of April 2010 was used to analyse police officer characteristics for complaints received between 1 April 2009 and 31 March 2010, the same complaints analysed in the in-depth analysis

PSNI Incidents Data

PSNI provided the Office with all data related to the use of CS Spray extracted from their Use of Force Monitoring System. On 1 January 2008 an electronic system was launched to record all use of force by the PSNI. Prior to this date each District Command held their own CS1 forms and copied them to headquarters. From 1 July 2004 to 31 December 2007 there is a limited amount of information available, on financial year, time of day and area.

Additional copies of this and other publications are available from:

Research and Performance Directorate
Police Ombudsman for Northern Ireland
New Cathedral Buildings
11 Church Street
Belfast
BT1 1PG

Telephone: 028 9082 8648

Fax: 028 9082 8605

Witness Appeal Line: 0800 0327 880

Email: research@policeombudsman.org

These publications and other information about the work of the Police Ombudsman for Northern Ireland are also available on the Internet at:

Website: www.policeombudsman.org