

Incapacitant Spray TW1000 Policy



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Introduction

In July 2019 Gloucestershire Constabulary moved from issuing PAVA Captor 2 to officers, to the use of TW1000 incapacitant spray. Since this date, all PAVA has been returned and officers have been issued with, and trained in, the use of TW1000.

Incapacitant spray may be used by officers as a response to defend themselves or others, effect an arrest, or prevent the commission of an offence, when lower levels of force have been applied and failed, or when the officer considers that lower levels of force would be ineffective or inappropriate in the circumstances.

Officers receive annual refresher training in relation to their own legal and professional responsibilities regarding storage, handling and discharge.

The Constabulary expects officers to treat those subject to the discharge of TW1000 with dignity and the appropriate aftercare.

Purpose

This document sets out the rationale for the issue and use of incapacitant spray by Gloucestershire Constabulary and the manner in which it is to be used, stored and audited. It describes the broad principles in which those subject to TW1000 are to be treated. Detailed additional guidance checklists for specialist areas (such as Custody Officers) are available on the Constabulary's internal InSight web pages.

TW1000 is a weapon designed or adapted for the discharge of any noxious liquid, gas or other thing and as such falls within Section 5 (1) of the Firearms Act (1968). S54 (1) of that same act provides a general exemption from the formal certification requirements to possess incapacitant spray but it is recognised that there is a need for rigorous controls to be in place to provide reassurance to our communities and health specialists.

The Health & Safety at Work Act 1974 is designed to secure the Health, Safety and Welfare of people at work and to protect people against all other risks to their health and safety arising from work activities. Furthermore, Control Of Substances Hazardous to Health Regulations 2002 (COSHH) require appropriate control measures for the storage and use of explosive or highly flammable or otherwise dangerous substances.

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All officers must consider the principles of Dynamic Risk Assessment (DRA) when faced with a potentially violent encounter. In doing so, they must consider the risk(s) which may be present with any unfamiliar person, place or object which they encounter and the importance of thinking prior to acting. This should also be considered in conjunction with the menu of tactical options available at Appendix A.

In order to enable better monitoring, amendment has been made to the Gloucestershire version of the National 'Use of Force' Monitoring Form (CS6) to include the capture of the 16+1 ethnicity codes and the gender of those who are subject to incapacitant spray.

Compliance

- TW1000 will only be issued to officers who have been trained and certified by a qualified trainer. All trained operational officers, including members of the Special Constabulary, will have authority to carry the spray.
- Officers are required to be 'in date' in relation to their Officer Safety Training in order to carry TW1000.
- TW1000 is dispensed from a hand-held aerosol canister in a liquid stream and has a maximum effective range of between eight to fourteen feet. This device should not be used at less than 3 feet, unless it can be justified. The 3 feet distance should be the distance of the canister to the subject to be sprayed, not between the officer and the subject. This is due to the danger of injury to the eyes if used at close range.
- All canisters will be allocated and booked out on the 'Staff assets' section of GCIS. Similarly, used canisters will be updated on GCIS and a new canister issued on the same system.
- Canisters are not to be taken home or stored anywhere other than on police premises.

In many cases, canister lockers are located in personnel carriers and dog vans for secure carriage.

- Canisters will be carried by uniformed officers in the supplied pouch on the belt or utility vest. Officers performing duty in plain clothes may carry it on their person or in a suitable container, but it must be kept in the supplied pouch when so carried.
- When off duty, incapacitant spray MUST be securely locked away (preferably in a vertical position to prevent accidental depressurisation) inside police premises. Canisters should be stored in personal lockers, which must be fully secured when unattended.
- In the case of officers who, due to nature of their duty, do not have a locker, it is acceptable for the sprays to be stored upright in a secure drawer
- Officers commencing/concluding duty at locations other than their home station can obtain temporary issue of TW1000 from pool reserve stocks held on Neighbourhood policing areas. Any temporary issue spray is to be returned to the issuing station and must be subject to entries on GCIS.
- The Administrator is empowered to conduct random checks of canisters held by officers (including locker checks in company with the locker user or Federation representative) to maintain integrity of the database as far as is practicable

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- The possession or use of time lapsed (expired) sprays is to be avoided and officers should obtain a replacement, in-date, canister as soon as possible. Time lapsed sprays must be returned to the Central Equipment Store, Phoenix House disposal.
- If a canister has clearly been stolen and not lost, the serial number of the canister involved must be added to the relevant Police Crime Property System (currently UNIFI) to aid recovery. Consideration on alerting other forces or other appropriate action will be a matter for the Superintendent, Operational Services.
 - Pool Reserve canisters may only be stored on Neighbourhood Policing Areas (NHPs) where suitable Safes have been provided for security of bulk stocks.
- Replacement Pool Reserve Stocks (boxes of 12) will be obtained from the Central Equipment Store, Phoenix House.
- The use of protective clothing (gloves) may be required in dealing with spills or leakage of TW1000. Containers should be stored in dry well-ventilated areas and not exposed to direct light or near any open flame.

Disposal of Time Lapses canisters

TW1000 is classified under Section 5 (1) Firearms Act 1968, as a weapon designed or adapted for the discharge of any noxious liquid, gas or other thing. Arrangements must therefore be made for the disposal of these devices in a manner which prevents unauthorised access and does not contravene Health and Safety Law. Subsequent disposal and destruction of incapacitant canisters will be arranged by CES operatives. This will be done in line with the relevant Environmental Management Regulations and Manufacturer's Instructions.

After Use – Exhibiting & Property Register

On every occasion that a canister is used it must be removed from circulation. The used canister must be entered into the J1 property register, marked as an exhibit including the relevant incident number, double plastic bagged or sealed inside a knife tube (to prevent leakage) and stored in the relevant station firearms safe. In this context 'used' means any use at all, however minimal. The officer in the case will ensure all exhibits (including TW1000) are disposed of accordingly at the conclusion of any criminal case, where necessary, following contact with Criminal Justice Department. Where the use of incapacitant spray 2 is subject to a complaint against police, Professional Standards will consult with the Force Solicitor to determine the need to retain or dispose of the exhibit. Property Officers will arrange transfer of any used sprays to Phoenix House for storage, until the case is disposed of at court.

Use of Force – Monitoring Procedures

A full pocket notebook entry must be completed describing the full details of the incident. The National 'Use of Force' monitoring form must also be completed. This form can also be found on 'Chronicle'.

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Use – Compatibility with Taser

TW1000 has passed rigorous tests carried out by CPNI and is certified safe to use in conjunction with Taser.

Use – Public Order Situations

TW1000 is only transferable by touch i.e. a person standing next to an individual who has been sprayed will not be affected by any vapour. The individual would only become affected if they were to touch the spray and then touch their own eyes. This makes TW1000 more suitable for use in public order situations than CS Spray but officers should remember that the use of incapacitant spray in situations where large numbers of the public are present has the potential for causing panic. Command and supervisory officers should be aware of the dangers of the use of TW1000 under such circumstances and ensure that all officers are briefed accordingly. It will only be in the most exceptional circumstances that the use of incapacitant spray will be forbidden, the general rule is that the officer carrying the spray is the one best placed to judge whether or not its use is necessary and appropriate and the ultimate responsibility for the use of TW1000 lies with the individual officer.

Use – Custody Suites

The use of incapacitant spray within the custody environment is permissible but must always be viewed as a last resort and should only be considered in exceptional circumstances. Custody Officers must undertake dynamic risk assessments for the need to use TW1000, taking into account all the circumstances at the time. Nothing prevents officers using incapacitant spray as a form of self-defence in spontaneous situations but its use in such circumstances must be reported to the Custody Officer immediately.

The use of TW1000 within the custody suite in planned circumstances must always be under the supervision of the Custody Officer

Use – Evidential Breath Testing Instruments

The use of TW1000 upon an individual will not affect the level of alcohol in their breath and the breath test procedure should be followed as normal.

Carriage at specific locations

Court: carriage of incapacitant spray at court is permissible as it forms part of an officers normal PPE.

Airports/Aircraft: Seek the advice of the airport and/or airline prior to attendance.

HM Prisons: Police officers are not permitted to enter prisons whilst carrying incapacitant spray. When attending a prison on a pre-arranged visit or carrying out escort duties, officers should ensure that they have made prior arrangements for safe storage elsewhere.

Action following De-arrest

Where it is necessary to de-arrest, under Section 30(7) PACE Act, before an offender is taken to a designated custody suite, the sprayed person will be offered the option of transport to a local hospital A & E department. Where this offer is declined, a full pocket book entry will be made, and the sprayed person asked to certify that fact. Where the person declines to sign an entry, the entry should be witnessed by another officer. In every case the officer will ensure that an information sheet at Appendix B is given to the individual.

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Use – Contamination of other persons, buildings and vehicles

TW1000 does not cross contaminate, only a person sprayed with TW1000 will be affected unless another individual touches any excess fluid and then touches their eyes. Placing an affected person into a vehicle or building will not cause cross contamination.

Where TW1000 has been used within a building or vehicle the officer(s) will advise the owner in respect of decontamination procedures – ventilate if possible and wipe up any excess fluid with dry paper towels.

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Appendix A

Menu of Tactical options (in no particular order)

Presence
Baton strikes
Colleagues
TW1000
Restraints & Pain Compliance
Taser
Firearms
Communication
Tactical Movement
Dogs
Unarmed strikes

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Appendix B

Subject Information Following Exposure to TW1000 Incapacitant

You have been sprayed with Nonivamide at a concentration of 0.3% in a 50/50 solvent of Ethanol and Water. The propellant is 50% water, 29.7% monopropylene glycol and 20.3% isopropyl alcohol.

This may have the following effects:

- This will cause discomfort to the eyes and a burning sensation to the skin. If you have swallowed any you should not experience any internal discomfort at all although your mouth will feel as though you have eaten very spicy food.
- Most symptoms will subside of their own accord within 20-35 minutes of being exposed. It may cause your skin to go red and feel hot. This may last for up to 1 hour when normal colour will start to return. This is normal as Nonivamide stimulates blood circulation giving similar effects to the use of muscle pain relief cream.
- If the symptoms continue then washing/bathing the face and eyes in cool, clean running water should bring rapid relief. If symptoms persist you should consult your doctor.
- TW1000 may cause damage to certain types of contact lens. Removal of contact lenses will speed recovery. If you have problems with your contact lenses you should consult an optician. Take this sheet with you.
- The Ethanol and Water solvent is a 50/50 mix and there should be no other reactions to your skin as a result of this.
- Please consult your doctor if you are concerned for any reason. Take this sheet with you.



Info sheet - Those
sprayed TW1000.docx

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Identification, Monitoring and Review

Document Title			
Type	URN	Strategic Board	Author/Reviewer
Policy	e.g. G005	CCEB	Name: Insp 256 Steve Templeton
Version	Date	Changes	
1.0	Oct 2015	Change from CS Incapacitant to initial PAVA policy	
1.1	1/3/17	PAVA policy reviewed.	
1.2	2.2.2018	PAVA policy reviewed.	
1.3	11/2/19	PAVA policy reviewed.	
1.4	17/07/19	Change from PAVA to TW1000	
Next Document Review Date:			17/07/21
EIA		EIA Sign Off	EIA Review
LOW			