



Our Ref: IM-FOI-2016-2497
Date: 16 December 2016

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

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

Your request is replicated below together with the response.

Spit Hoods

- 1. Please share written guidance on the operational use of spit hoods as provided in the Scottish Police College Officer Safety Training Manual.**
- 2. What is the criteria for the use of force in the application of use of a spit hood?**

For ease, questions 1 & 2 have been answered together;

The relevant documents are attached; 'Module 1 Use of Force' and 'Module 12 Spit Hood' which have been extracted from the Scottish Police College Officer Safety Training Manual.

As the use of Spit Hood is a use of force, any officer prior to using a spit hood must first ensure the following:

- (a) Any force used must be proportionate, legal, accountable, necessary and ethical in the circumstances and the minimum amount necessary to accomplish the lawful objective concerned. This ensures compliance to the Human Rights Act 1998 and European Convention on Human Rights 1998.
- (b) Officers/staff should take cognisance of any medical or mental health issues which may affect the subject.

Where such conditions are known or suspected to exist, officers/staff must carry out a further risk assessment to confirm that the requirement to wear the hood overrides any additional risk posed to the wellbeing of the subject.

The subject must remain under constant physical supervision at all times whilst the spit hood is worn, and if at any time it is suspected that the subject's health is being adversely affected by the hood, or that the subject has lost consciousness, then the hood must immediately be removed and First Aid protocols observed.

- 3. How many times in each year since April 2013 have spit hoods been used by Police Scotland?**

In response to this question, I can provide you with the following figures which represent the number of Police Scotland 'Use of Force' forms which have been submitted regarding the use of a Spit Hood:



313 uses of Spit Hood in 2016 (1st Jan - 1st Dec)
278 uses of Spit Hood in 2015 (1st Jan - 31st Dec)
209 uses of Spit Hood in 2014 (1st Jan - 31st Dec)
135 uses of Spit Hood in 2013 (1st April - 31st Dec)

Please be aware that these statistics were gathered recently for the purpose of a Parliamentary Question as the research would otherwise have attracted a Section 12 (excessive cost) exemption in terms of the Freedom of Information (Scotland) Act.

Please also provide a break down by (a) gender (b) ethnicity and (c) age.

I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations. As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, if a spit hood is deployed it is recorded on SCOPE, the Service's personnel management system. This system is designed to record the details of the particular use of force incident and not the details of the individual who was subject to it.

The age, gender and ethnicity of these individuals will be recorded by Police Scotland but in a series of disparate sources and or systems - for example incident recording systems, crime recording systems, custody systems or even police officer notebooks. It would therefore be necessary to cross refer the 935 records referred to above with the information held on these other systems - exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

4. How many complaints about the use of spit hoods have Police Scotland received in each of the last three years since April 2013?

To explain, Police Scotland records complaints about the police on Centurion management system and they are categorised in several different ways, with data input manually into searchable fields. Unfortunately there is no specific isolation for the use of Spit Hoods and I estimate a manual search would far exceed the cost limit set out in the Fees Regulations.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

5. How many (a) deaths and (b) injuries have been associated (either as a cause of the death or injury or as a contributing factor) with the use of spit hoods by Police Scotland?

6. What other data relating to the use of spit hoods is collected by (a) Police Scotland and (b) the Police Investigations and Review Commissioner?

For ease, questions 5 & 6 have been answered together;

The Police and Fire Reform (Scotland Act) 2012 and Police Investigations and Review Commissioner (Investigations, Procedures and Specified Weapons) Regulations 2013 place a responsibility on Police Scotland to refer "serious incidents".

In relation to deaths this is further defined as; any circumstances or in consequence of which a person has died where the person at or before the time of death had contact (directly or indirectly) with the police acting in the course of their duty AND there is an indication that the contact may have caused (directly or indirectly) or contributed to the death. Applying the above definition, Police Scotland must refer deaths following police contact to the Scottish Fatalities Investigation Unit, Crown Office and Procurator Fiscal Service who thereafter decide whether to refer the matter to the Police Investigations and Review Commissioner (PIRC) for investigation.

To clarify this process further, Police Scotland does not delineate the involvement of officer equipment (including Spit Hoods), instead applying the definition of 'death following police contact'. Neither is this level of detailed categorisation provided to the Scottish Police Authority.

Furthermore, all instances of serious injury must be referred to the Police Investigations and Review Commissioner (PIRC), but again no methodology exists which would allow us to search such records and identify those occasions where a Spit Hood had been employed.

To provide the information requested would require the manual review of all such cases so referred, to ascertain the circumstances and what officer safety equipment, if any, was employed. This would take a considerable amount of time and I consider would be cost exempt.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

Moreover, less serious injuries may not be reported to, and therefore recorded by, the Professional Standards Department, unless they were contained within the context of a complaint about the police. Consequently for the reasons provided above, no records are maintained that would allow the reporting of reliable data in relation to use of Spit Hood where there has been an associated injury, whether serious or otherwise.

PIRC publish information in relation to their investigations on their website and within their annual report which can be found on the PIRC website; <http://pirc.scotland.gov.uk/>

Tasers

- 1. Please share written guidance on the operational use of Tasers as provided in the Scottish Police College Officer Safety Training Manual.**
- 2. What is the criteria is for the use of force in the application of use of Tasers?**

For ease, questions 1 & 2 have been answered together;

Although there is no information on the operational use of Tasers within the Scottish Police College Officer Safety Training Manual, all written guidance on the operational use of Taser is provided below and is publically available within the College of Policing's APP (AP).

Further guidance is also contained within the National Police Firearms Training Curriculum (NPFTC) but this is a restricted document and cannot be accessed by the public. However I would advise that Police Scotland complies with policy and procedure laid down in national guidance within the College of Policing's Authorised Professional Practice (Armed Policing) document. Additional information relating to the use of firearms and Taser can be found on the College of Policing Authorised Professional Practice (Armed Policing) website which is publicly available via the following link:

<http://www.app.college.police.uk/app-content/armed-policing/?s>

3. How many times in each year since April 2013 have Tasers been used by Police Scotland?

Taser deployments in scotland by mode of operation					
	01.04.13 to 31.03.14	01.04.14 to 31.03.15	01.04.15 to 31.03.16	01.04.16 to 01.11.16	Total
Drawn	32	13	5	5	55
Aimed	4	10	0	1	15
Red dot	23	17	8	8	56
Arced	0	0	0	0	0
Fired	7	6	0	1	14
Drive stun	1	1	0	0	2
Angle drive stun	0	1	0	0	1
Total	67	48	13	15	143

Notes: the above table does not include unintentional discharges. The statistical data relates to the number of recorded "uses" and not the number of "incidents", therefore Section 17, Information Not Held applies.

Please also provide a break down by (a) gender (b) ethnicity and (c) age.

The above uses involved four females and 109 males (broken down by gender, ethnicity and age as per attached spreadsheet 'Taser Deployments').

4. How many complaints about the use of Tasers have Police Scotland received in each of the last three years since April 2013?

As described in the response above regarding Spit Hoods, Police Scotland use the Centurion system to record complaints about the police. Unfortunately there is no specific isolation for Taser use and on this basis I estimate a manual search would far exceed the cost limit set out in the Fees Regulations, articulated above.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

5. How many (a) deaths and (b) injuries have been associated (either as a cause of the death or injury or as a contributing factor) with the use of Tasers by Police Scotland?

- a) There have been no deaths either associated with or caused by the use of Tasers.
- b) There is one injury recorded.

6. What other data is collected by (a) Police Scotland and (b) the Police Investigations and Review Commissioner?

As you may be aware, on 1 April 2013, Scotland's eight former police forces, the Scottish Crime and Drug Enforcement Agency (SCDEA) and the Association of Police Officers Scotland (ACPOS), merged to form Police Scotland, which is now responsible for policing across the length and breadth of Scotland.

Since the inception of Police Scotland on 1st April 2013, all information in respect of Taser discharges (i.e. in terms of instances of fired, drive stun and angled drive stun) is provided to the Police investigations and Review Commissioner (PIRC) and is publicly available within the below link to the PIRC website:

http://pirc.scotland.gov.uk/investigations/investigations_reports?q=&category=59

As you are able to access this information yourself, under section 25 of the Freedom of Information (Scotland) Act 2002, I need not disclose the information to you.

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

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

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

Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

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