

independent and effective investigations and reviews

pirc

Police Investigations &
Review Commissioner

OP REOIDHTE
SEPTEMBER 2018

PIRC Investigation Findings

Discharge of PAVA Irritant Spray
Dundee
8 February 2018

BACKGROUND

On the evening of Thursday 8 February 2018, in a car park in the Dundee area, an officer of Police Scotland discharged PAVA irritant spray at a 32-year-old man during the course of his detention for a drugs search. Prior to the use of PAVA, the man had struggled violently with the detaining officers.

REFERRAL TO THE PIRC

Police Scotland referred the incident to the PIRC on 16 February 2018 in terms of the Police, Public Order and Criminal Justice (Scotland) Act 2006 as amended, and the Police Investigations and Review Commissioner (Investigations, Serious Incidents and Specified Weapons) Regulations 2013. Under the Act, all incidents of Police Scotland's use of firearms, including the discharge of PAVA, must be referred to the PIRC for independent assessment.

PIRC INVESTIGATION

PIRC Investigators visited and examined the incident scene, obtained copies of existing statements from police officers and other civilian witnesses and interviewed the arresting officers.

They also obtained and examined CCTV footage, Police Scotland documentation, computer records and radio broadcasts.

PIRC FINDINGS

Following investigation the Commissioner finds that:

- On being detained for the purposes of a search under the Misuse of Drugs Act 1971, the man struggled violently with officers.
- The man's actions posed a danger to the detaining officers and, in order to avoid him escaping their control and arrest, an officer discharged PAVA at him.
- The use of PAVA in the circumstances was proportionate and justified.

RECOMMENDATIONS

No recommendations were made.