



Policy:	Operational Use of the SpitGuardPRO: Spit and Bite Guard	
Approved by which board (or Chief Officer) and date:	Local Policing and Specialist Capabilities Board - 08.01.2019	
Owner	Territorial Policing - Operational Support	
For release under Freedom of Information?		Yes
Supporting procedures	<i>Authorised Professional Practice – Use of Force</i>	
Contact for advice	<i>Inspector 1571 D.Barr.</i>	
Review date	<i>8th January 2021</i>	

Date and Version Number	Amendments made
V1.1 4.01.19	Amendments to full policy – Ch/Insp Ben Swinson

1. Equality Analysis

1. What is the potential impact in relation to the General Duty of this proposal on each of the protected groups below?

Protected characteristics	Positive Impact				Negative Impact (provide details and mitigating actions taken or proposed)	No Impact (v)
	Does the proposal:					
	eliminate unlawful discrimination (provide details)	advance equality of opportunity (provide details)	Foster good relations (provide details)	Other positive impact (provide details)		
Age						✓
Disability					There is a possibility that the use of the SpitGuardPRO could have an adverse effect on people undergoing a Psychotic episode; undergoing an episode of Acute Behavioural Disturbance (ABD); or people who are Autistic. The training given to officers includes guidance on these issues and the principles of the National Decision Making Model have to be applied. Training affirms the guidance that a SpitGuard Pro, can be removed at any time from a person whilst detained; if the person appears to be in distress or suffering a medical emergency.	
Sex						✓

Sexual orientation						V
Gender reassignment						V
Marriage and civil partnership						V
Pregnancy and maternity						V
Race						V
Religion and belief including non-belief					The training given to officers includes guidance on religious headgear. Such items will not be deliberately removed, to facilitate the placement of a SpitGuardPRO on an individual.	

If there is no potential impact (positive or negative) please provide a brief explanation why this is the case, e.g. the data utilised in arriving at the decision, summary of responses to consultation etc.

For all the protected characteristics as listed above, which do not have a check mark against them, no negative impact, specific to that characteristic, has been identified.

1. Policy Aim:

Summary

Cumbria Constabulary will refer to the Authorised Professional Practice (APP), which contains information to assist Policing. Cumbria Constabulary will also provide additional guidance to Police Officers on a local level, in the form of this policy and guidance document.

Cumbria Constabulary has a responsibility to protect staff exposed to risk, as part of their duty under the Health and Safety at Work Act of 1974. This duty further extends to subjects in our care. The force recognises the need to protect officers and staff from the risk of transmission of diseases, caused by people who spit, or attempt to bite them.

2. Terms and Definitions

A 'Spit and Bite Guard' is a piece of Personal Protective Equipment (PPE) that generally consists of a lightweight transparent mesh 'hood', with a section of clear plastic material in proximity to the mouth area, which reduces the likelihood of transmission of body fluids from the person via spitting or biting.

It is used when appropriate, in conjunction with the full range of tactical options and equipment carried by officers on operational duties.

SpitGuardPRO is the commercial name of the specific spit guard that will be used within Cumbria Constabulary and is manufactured by KIT Design.

3. Scope

This policy applies to all trained **Police Officers** and **Special Constables** only.

4. Policy

General Principles

- The purpose of this policy, is to lay down procedures when considering the use of the SpitGuardPRO, as a tactical option and to ensure its use is in line with the authorised training provided. It will also complement the relevant section of APP.
- The use of a SpitGuardPRO could attract comment from members of the community and as such its use must always be proportionate, reasonable, justified and the lowest use of force in the circumstances.
- Officers must be mindful of its use, especially when considering using it on persons perceived to be vulnerable due to medical conditions or age.

- If the officer contemplating fitting a spit guard, **or any other officer assisting**, has any knowledge or indication, that the subject is suffering from Acute Behavioural Disorder, is undergoing a psychotic episode; or is displaying Autistic tendencies, they should factor this into their decision making and consider use of other alternative, proportionate tactical options.
- An Officer must be fully able to justify their tactical decision in using the SpitGuardPRO; which must be in line with the Code of Ethics and the National Decision Model (NDM).
- Reassessment of the continued use of SpitGuards, should be an ongoing process, based on the **current** threat and risk assessment. Officers should be prepared to remove guards as soon as practicable, once the threat is no longer present.
- Spit guards will not be issued to Police Staff.
- The spit guard is a 'one use only' device. It will be the responsibility of all Officers, to ensure that the SpitGuardPRO is new, undamaged and fit for use. It should be checked regularly: to ensure it is serviceable; free from damage and replaced if appropriate.
- Application of a SpitGuardPRO is a use of force and **must** be recorded by officers, in line with the 'Use of Force Policy'.

Training Principles

- All Police Officers who attend their annual Personal Safety Training (PST) will receive training in the use of the SpitGuardPRO.
- Training will be rolled out during the annual PST refresher training: planned for 2019 onwards and at the initial PST for new recruits. Officers **will not** be permitted to use this operationally in any circumstances, without being trained in use of the SpitGuardPRO.

Operational Deployment Principles

- A SpitGuardPRO can be used when the subject is:
 - *Spitting or biting*
 - *Is preparing to spit or bite*
 - *Or is threatening to spit or bite.*

This threat can be aimed at Police Officers, Police Staff or the general public.

- Officers wearing Body Worn Video, should ensure that it is turned on as soon as possible, for images to be captured of the incident, which includes application of the

SpitGuardPRO. The images will be stored for evidential purposes, as per current standard BWV procedure.

- All Officers are required to justify their decision making and actions, using the NDM. This decision should be based on evidence, information and intelligence available at the time. This will include, but is not limited to: full Red Sigma/Sleuth and additional intelligence checks by CCR; local officer knowledge along with current physical, verbal and non-verbal actions of the subject.
- All Officers should note that only in exceptional circumstances, should a SpitGuardPRO be used on a person under 18 years of age; or has the appearance of being under 18 years of age and as such, must consider the use of other alternative proportionate tactical options if practicable.
- Best practice is for a minimum of two officers: working together, to control the subject correctly and to apply the spit guard. The subject will be cuffed to the rear before fitting the spit guard.
- It is vitally important that the subject is under control, otherwise there is opportunity for the subject to interfere with the SpitGuardPRO applied to them, which may present a safety risk.
- Detainees wearing a spit guard should be monitored at all times. When being conveyed in a police vehicle, one officer should be specifically dedicated to this task. If the design and layout of the vehicle permits, the officer should be in close proximity to the caged section of the vehicle and not relying solely on camera images. Close proximity will speed up removal of a spit guard, in a medical emergency.
- Where PAVA has been deployed, officers should be aware that this may cause the subject additional distress subsequent to producing excessive amounts of mucus and saliva.
- In the event of a medical emergency, the SpitGuardPRO will be removed immediately.
- Officers need to consider an individual's medical condition; or the apparent pre-existing medical conditions, when considering the use of a spit guard. These may include:
 - Asthma
 - Vomiting - A SpitGuardPRO should not be used on anyone who is actively vomiting.
 - Excessive bleeding from the nose or mouth. In the case of a facial injury, officers must take account of this and consider the potential impact of applying the spit guard.
 - Demonstrating symptoms of laboured or excessively distressed breathing. These may be symptoms of Positional or Postural Asphyxia

- A spit guard must never be used automatically, because the subject has spat in the past; or there are intelligence markers to indicate previous spitting.
- A spit guard should not continue to be used, if it becomes soaked after fitting on the subject. In such an instance, a new SpitGuardPRO should replace it. The previous item should be disposed of appropriately.
- Spit guards must be removed ,when a subject is in the custody suite and at the latest, when they are placed in a closed cell. If Level 4 Close Proximity observations require officers to be in a cell, with a spitting detainee, officers should wear the Uvex Spit Masks, which are stored there, for their personal protection.
- Once used the SpitGuardPRO needs to be treated as a biological hazard and disposed of appropriately. Suitable disposal bin are located in all custody suites in the county.
- If Officers or Staff have been spat at and spittle has entered their eyes, mouth, nose or an open wound, then they need to seek medical advice as soon as possible. Following this Incident / Injury on duty forms need to be completed as soon as practicable.
- Replacement spit guards will be obtained from the stock held in the custody suite.

Reporting Use and Review Principles

- Following use of a SpitGuardPRO, the Officer must inform the control room via airwave radio that it has been deployed and an entry endorsed on the command log accordingly.
- Upon arrival in custody, the Custody Sergeant **must** be informed that a SpitGuardPRO has been used on the detainee, even if it has been removed in the meantime e.g. during transit.
- The Police Officer who has used the SpitGuardPRO, **must** complete a Use of Force reporting form concerning the application. This **must** be completed before the Officer retires from duty.

Governance, Monitoring and Scrutiny

- This policy complies with the following legislation and guidance:
 - APP Operations – Use of Force and NDM
 - APP Public Order
 - Criminal Law Act 1967
 - Police and Criminal Evidence Act 1984

- Common Law
 - Code of Ethics
 - Police Standards of Professional Standards
 - The National Personal Safety Manual
- The use of SpitGuardPRO devices, will be monitored and recorded using the Use of Force forms, which are currently in daily use within Cumbria Constabulary. The Forms already contain the relevant sections for use of Spit Guards and as such, Officers will be able to record the use of the guards with very little change to current practice.
 - Currently force used is monitored, recorded and governed by the existing Use of Force Monitoring Governance Board. It is also independently scrutinised by the 'Strategic Independent Advisory Group', where it is a standing agenda item. The use of SpitGuardPRO, will be recorded and individually monitored and feature in a specific report: for the benefit of each of these internal and external governance panels, to ensure the correct level of accountability and transparency is in place around their use.
 - The use of SpitGuardPRO, will also be monitored in line with other recordable data, specifically around the use on individuals who have protected characteristics and BAME Communities: to ensure there is no bias in its application across the varied communities of Cumbria.
 - This policy will be reviewed every 3 years from its commencement.