



## Leicestershire Police

### Spit Guard Policy and Guidance

Procedure Owner:	Chief Superintendent
Department Responsible:	Specialist Support Directorate
Chief Officer Approval:	ACC
Protective Marking:	Not Officially Marked
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**This document has been produced in conjunction with the Leicestershire Police Legislative Compliance Pack**

#### Review log

Date	Minor / Major / No change	Section	Author
Feb 2018	New		Sgt1623 Mel Thomas C/Supt Adam Streets
Feb 2019	No change		Sgt 1623 Mel Thomas
July 2020	Minor	COVID19 and the use of Spit Guards	Sgt1623 Mel Thomas
April 2022	Minor	4.2 addition of person under 10 4.11 additional conditions added to use.	C/Insp Stokes PS 1043 Rankin
April 2023	Minor	PPST replaces PST FME replaced by medical practitioner	PS 1043 Rankin

## 1. Legislation

- 1.1 The use of force is governed by the Common Law provisions in respect of self-defence and by Section 3 of the Criminal Law Act 1967 and it states that, a person may use such force as is reasonable in the circumstances in the prevention of crime, or in the effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.
- 1.2 It is important to note, the wording of the act refers to 'such force as is reasonable in the circumstances' and case law has stressed that every situation must be judged according to its particular circumstances. A police officer is also provided with authority to use force when executing any of the powers under the Police and Criminal Evidence Act 1984. Section 117 of the Police and Criminal Evidence Act 1984 provides that where any of the provisions of this Act 'confers any power on a Constable; and does not provide that, the power may only be exercised with the consent of some person other than a police officer may use reasonable force, if necessary, in the exercise of the power'.
- 1.3 Health and Safety at Work Act 1974 – Duty on employers to ensure, "so far as is reasonably practicable, the health, safety and welfare at work of their employees."

## 2. Procedure and Guidance

- 2.1 The Contamination Prevention Guard or 'Spit Guard' is a breathable material face covering that prevents the wearer from being able to assault by spitting, preventing a potential assault and transmission of diseases.
- 2.2 The application of the Spit Guard on a detained person is a use of force and should be recorded as such using Pronto, Use of Force form. Its use should be carefully assessed using the National Decision Model (NDM). The justification for use of the guard remains with the person applying it or instructing it to be applied. However the following are considerations that may justify its use:
  - A person who is spitting, has spat, is preparing to spit or is threatening to spit.
  - Is biting, has bitten, is preparing to bite or is threatening to bite.
  - Previous instances of the above will not provide justification for its use in isolation, but combined with the above may provide justification.

The following is an example where the spit guard should **not** be used routinely:

- Where PNC indicates a subject suffers from an ailment or are contagious, but there are no physical indications they are likely to assault by spitting.
- 2.3 It should always be borne in mind, the use of a Spit Guard is **exceptional** and must be justified. The use of the NDM will demonstrate the rationale of the person applying or instructing its use.

- 2.4 Officers using a Spit Guard will issue a warning for the benefit of the subject, onlookers and other officers, similar to the warning given before the use of other PPE. The warning will be words similar to:

**“I am requesting you to stop spitting. To protect myself and others I am placing a Spit Guard over your head”.**

### **3. Training and issue**

- 3.1 All officers will be provided with an input from a qualified Officer Safety/Personal Safety instructor prior to being issued with a single use spit guard. This will be subject to further regular refresher training as part of an officer’s Public and Personal Safety Training (PPST).
- 3.2 No officer will use a Spit Guard unless they have received that initial training and be up to date with their PPST by means of an annual refresher.
- 3.3 The Spit Guard will be issued as personal issue PPE. Replacements will be supplied by FHQ Stores, Custody Suites and Sgts Offices from which Spit Guard can be obtained in an emergency.

### **4. Operational use**

- 4.1 Officers will ensure the Spit Guard is new and undamaged and prepared for use. Situations regularly encountered where a Spit Guard may be used are recognised as follows (subject to relevant risk factors being in place):
- Moving a person from the scene of an arrest to a police vehicle;
  - Placing a person into a police vehicle or cell;
  - Transporting a person to a location (Custody Suite, Court Place of safety).
- 4.2 The Spit Guard will **not** be used on anyone who:
- is known or believed to be under the age of 10.
  - is vomiting,
  - having difficulty breathing,
  - or is bleeding profusely and excessively from the mouth or nose area.

It has been designed to allow for better observations of a detained person with injuries and for medical emergencies to be identified sooner.

**At no time should a person wearing a spit guard be left unsupervised** – this would extend to a person wearing a spit guard in a caged vehicle without an officer in direct supervision and without direct observation.

- 4.3 The Spit Guard requires sufficient officers working together to control the subject to correctly apply it. The subject should always be under control, whether through use of multi officer restraint techniques or following the application of handcuffs to the rear before the Spit Guard is applied.
- 4.4 The officer applying the Spit and Bite Guard should where practicable be additional to the officers restraining the subject.

- 4.5 Where practicable an officer will be appointed and have responsibility for:
- **Care** by monitoring the subject and being aware of their visible signs whilst they are wearing a Spit Guard.
  - **Control** of the subject's head and monitor for signs of asphyxia or difficulty breathing – and the general situation.
  - **Communication** with the subject / officers involved in the restraint / custody officer.
  - **Think ABD (Acute Behavioural Disturbance)** is this a medical emergency.
- 4.6 If any officer involved in the restraint identifies an issue with any element of the situation they must **'SPEAK UP – SPEAK OUT'**.
- 4.7 Spit Guard can be applied to a standing, kneeling or prone subject. As with all restraint tactics, officers are reminded of the dangers associated with positional asphyxia and Acute Behavioural Disorder (ABD)
- 4.8 **Under no circumstances should a detainee be left unattended** whilst wearing a Spit Guard and the detainee should be kept under constant supervision due to the risk of asthmatic attack, positional asphyxia, and the subject vomiting (if so it should be removed immediately and medical aid given, where appropriate).
- 4.9 Eyewear will be removed if possible from the subject prior to a Spit Guard being applied and considerations should be given to removing jewellery or other items which may interfere with it being removed quickly in the event of a medical emergency.
- 4.10 Due to their size, turbans and other 'faith' related headwear should **not** be removed to accommodate the Spit guard. If its application cannot be achieved, alternative tactical options should be considered.
- 4.11 Likewise, consideration should also be given to any jewellery, glasses and other items on the head or face that may interfere with the application of the Spit Guard. If its application cannot be achieved, alternative tactical options should be considered.
- 4.12 The dignity of the person should be protected, where possible – and evidential notes made accordingly.
- 4.13 The use of the Spit Guard should be under constant review using the NDM. Once the justification for its use has passed the Guard must be removed.

### **Considerations when using spit guards**

- 4.14 The following outlines further considerations and guidance to officers in the use of spit guards:
- BWV is invaluable in recording a subject's demeanour, if not already done so BWV should be activated before the use of the spit guard and at the time a warning of a Spit Guards potential use given.
  - Use of gloves to prevent contamination should be considered.
  - Ensure breathing is not restricted.

- Ensure the subject's nose and eyes are not interfered with by any elastic banding in the Spit Guard.
- Check its application is not causing any undue pressure around the subject's neck.
- If the subject vomits remove the Spit Guard to prevent choking.
- Consideration should be given to persons who have been sprayed with CS as they may be suffering the effects of the irritant.
- Spit Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit Guard should be disposed of and replaced with a new one – and this fact recorded.
- Following a struggle, excessive exertion or where Acute Behavioural Disorder is suspected, the subject may be less able to tolerate the Spit Guard and this should be considered by officers.
- If a detainee wearing a Spit Guard is handed over to another officer, the receiving officer will use the NDM to review the need for the continued use of the Spit Guard. If the Guard is no longer required the Spit Guard should be removed.
- Detainees will not be handed over to other agencies or police forces while wearing a Spit Guard.
- Treat the Spit Guard as a biohazard and deposes of accordingly.

## **Custody**

- 4.15 Officers will bring to the attention of the Custody Officer the fact that a detained person has been restrained and that a Spit Guard was applied. This fact must be recorded on the Custody Record and it will be for the custody officer to authorise continued use. If not taken into custody a supervisor must be informed.
- 4.16 Spit guards will not remain on subjects when placed in a cell unless under constant supervision.
- 4.17 The provision of a medical practitioner will be the decision of the custody officer who should use the NDM, recording rationale on the custody record. Once used, the Spit Guard should be disposed of as a Bio-Hazard, as per local arrangements.
- 4.18 Where the person comes into custody wearing a Spit Guard, the custody officer should check for visible head injuries when it is removed.
- 4.19 Once the Spit Guard is removed after the detainee has been placed in a cell, a heightened level of supervision should be considered as part of their care plan by the custody officer where appropriate.
- 4.20 The subject should not be handed over to a third party (such as Court transport) whilst wearing the Spit Guard.

## **COVID19 and the use of Spit Guards**

A spit guard should only be used in line with the guidelines listed. Spit Guards should not be used by officers to protect themselves from been infected by Covid19. Officers should use the masks that have been issued by the force for their protection and invite a subject to wear a mask where appropriate.

## **Administration**

4.21 A use of force form will be completed for all deployments of a Spit Guard. It is the officer's responsibility to obtain a replacement Spit Guard.

4.22 **Any incidents of spitting towards staff and officers must be reported using the appropriate Health and Safety incident reporting systems should Spit Guard be deployed or not.**

## **5. Quick Guide**

### **Do:**

- **Always explain to the subject the reasons for using a Spit Guard.**
- **Ensure the subject is under control before applying.**
- **Always closely monitor the subject.**
- **Always be prepared to justify its use, use the NDM.**
- **Always record the subject's threat to spit or spitting in pocket book, custody record, use of force forms, body worn video, intelligence logs, PNC as required.**
- **Always maintain the dignity of the subject wearing the Spit Guard, ensuring the guard is in place only for as long as is necessary.**
- **Submit a Use of Force Form**
- **Submit a H and S incident form if an officer is spat at**

### **Don't:**

- **Leave the subject unattended.**
- **Use on a subject who has breathing difficulties, vomiting or bleeding.**
- **Use as a punishment.**
- **Allow a guard to become soaked.**
- **Automatically use a Spit Guard because the subject has spat in the past or there is a PNC / intel marker to indicate previous spitting.**

**ALWAYS use the NDM.**

**It will help you make the right decision and will assist you in justifying your actions as being appropriate.**