



Spit and Bite Guards Policy

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Equality Impact Assessment	<input checked="" type="checkbox"/>
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Spit and Bite Guards Policy

1. Policy statement

Cleveland Police recognises the need to protect staff and the public from the risk of communicable diseases that can be caused by people spitting and biting.

The National Police Chiefs Council (NPCC) has approved the use of Spit and Bite Guards (SBGs) as a tactical option to protect officers from spitting and the worst effects of biting. Guidance on their safe use is provided in the National Personal Safety Manual.

The risk of contracting a blood borne virus from spitting is low but does present a clear and identifiable risk to the health and safety of staff. Cleveland Police has a responsibility to protect staff and members of the public in their care exposed to risk as part of their duty under the Health and Safety at Work Act (1974). The Kit Design 1914-B SBG will therefore be issued, as part of Personal Protective Equipment (PPE), to frontline officers that have been trained, to protect themselves and others from the risks associated with spitting and biting.

2. Purpose

This document provides guidance to staff in respect of the training, use of, recording and disposal of Spit and Bite Guards.

3. Procedures

3.1 Authority to use Spit and Bite Guard

Cleveland Police has made the decision to authorise the use of Spit and Bite Guards (SBGs) to staff who have received specific training in the use, warning factors and recording requirements associated with the use of SBGs.

3.2 Powers and Policies

The law recognises that there are situations where police officers may be required to use force. The primary responsibility for using force rests with individual officers, who are answerable to the law.

The NPCC states that the application of a SBG would likely be a lower use of force than restraint and may therefore provide a more proportionate option.

Use of force legislation, specifically Common Law and Section 3 Criminal Law Act 1967, provides the legal power to use SBGs.

Under common law any person is entitled to use reasonable force to defend themselves or others from attack. If you have an honestly held belief that you or

another are in imminent danger then you may use such force as is reasonable and necessary to avert the danger.

Section 3 Criminal Law Act 1967 provides 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".

3.3 Training

Staff must without exception have undertaken specific training as described in 3.1 before using the SBG. Training is provided by Personal Safety Trainers. The officer/staff member must remain current in their personal safety training which must be refreshed a minimum of once per year.

Accurate records of such training will be recorded as per force operating procedures.

3.4 Use of Spit and Bite Guard

The SBG 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. Only the approved and issued spit guard will be used. No other type will be utilised under any circumstances.

Justification for use includes:

- Subject is spitting & biting
- Subject is threatening to spit or bite
- Honestly held belief that they will spit or bite if the opportunity arises
- Contagious infection – honestly held belief that the subject will try to infect staff by spitting or biting

If practicable a verbal warning should be given to the subject prior to the application of the SBG.

Protecting the vulnerable

The use of SBGs on detainees who are vulnerable because of their age or mental health is likely to have an impact on their wellbeing and may draw negative media attention and comment from local communities.

Prior to using the SBG consideration must be given to any known medical issues the person may have. Medical issues may include Autism, Mental Health issues, Claustrophobia or any other issue which, in the opinion of the officer/staff member, may have an adverse effect on the subject's health.

The use of SBGs on children may cause distress to the child and those who witness the arrest. Consider the proportionality, reasonableness and necessity of the use. Constantly supervise and monitor for signs of distress and remove the SBG as soon as practicable.

It is acknowledged that by eliminating the risk of spitting or biting, the requirement for physical restraint may be mitigated, thereby reducing the risk of physical injury to the subject.

Prior to use, a warning should be given (if practicable) for the benefit of the subject, onlookers and other officers/staff members. The warning should be similar to that used prior to use of other Personal Protection Equipment. The warning should be words similar to

“Stop spitting, stop spitting. I am requesting you to stop spitting. To protect myself and others I am placing a spit guard over your head”

Prior to any deployment (as with other checks of PPE) officers should ensure that the SBG is new and undamaged, and has not become contaminated in any way.

A minimum of two members of staff are required to safely control the subject. The subject should always be handcuffed to the rear before the SBG is utilised to prevent the subject removing the guard.

Under no circumstances should a detainee be left unattended, they must always be monitored whilst the SBG is in use. This ensures that the subject is constantly assessed for the risk of breathing difficulties, vomiting, positional asphyxia or bleeding profusely. This includes travelling in vehicles. The cell compartment of a van is not a suitable area for the subject due to the inability to have constant monitoring. Suitable transport must be arranged.

Officers are trained to monitor the subjects in the cage during transportation so that they can intervene if required. This is due to the transport fleet within Cleveland Police. Transportation single crewed is not advised.

If possible, eyewear and facial jewellery, which may interfere or restrict the safe application or removal of the SBG should be removed prior to use.

Staff must bring to the attention of the Custody Sergeant the fact that the subject has been restrained and a SBG applied. This fact must be recorded on the subjects' custody record giving sufficient reasons for the application. The use of the SBG does not automatically require a medical examination on arrival at a custody suite. Any such examination in police custody is a consideration for the custody sergeant, taking into account all the available circumstances.

The SBG must be removed once the threat of being spat at or bitten has stopped. As such a subject should never be left in a cell with a SBG on. In the case of a violent detainee, the removal should take place as part of the cell exit procedure.

Once used, the SBG must be considered as a biohazard. As such, it must be disposed of as per local arrangements utilising yellow biohazard containers.

A replacement SBG can be obtained from the custody facility at Middlesbrough.

4. Recording, Audit and Accountability

4.1 Recording

The use of the SBG is a use of force and must be recorded. This is a mandatory requirement and is done via the "use of force" reporting survey accessed via Niche. The use of force report must be completed by each individual officer and not collectively.

Use of the SBG must also be recorded on the Custody Record of each individual regardless of location the SBG was applied.

4.2 Audit

The use of force in respect of SBG use will be reviewed by the Performance and Quality Review Team (PQRT). Any use of force form which includes the use of a SBG will automatically be forwarded for second stage audit process by the internal and external ethics committee and the Strategic IAG as part of the wider use of force monitoring. This Audit allows for full transparency with additional levels of safeguard.

4.3 Accountability

Each individual officer/staff member is held accountable for the individual Use of Force.

Any complaint by any person with regards to the use of a SBG will be dealt with in the locally prescribed manner.

5. Appendices

There are no appendices linked to this policy.

6. Compliance and monitoring

The lead for Operational Policing is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The lead for Operational Policing will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

7. Version control

This policy will be reviewed and updated at least every two years by the owner, and more frequently if necessary.

The Performance, Quality and Review Team will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	26/11/2018	Policy Creation	[REDACTED]
0.2	21/1/19	Policy amended following consultation.	[REDACTED]
0.3	25/1/19	Paragraph relating to monitoring of detainees in police vehicles amended.	[REDACTED]
1.0	5/2/19	Policy approved at Management Board	[REDACTED]
1.1	22/12/2020	Review, section 3.4 updated following consultation with Personal Safety Training	[REDACTED]