



## **Enabling Guidance**

**Document title: Spit Guard Guidance**

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***This enabling guidance is suitable for public disclosure under the  
Freedom of Information Act 2000***

This document sets out principles to help guide decision making and in some parts may be quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case.

There may be occasions when a member of staff is considered to have acted outside of the content of this document but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On the occasions when this is the case, the rationale for it must be properly recorded.

***This document should be read in conjunction with the Force Policy Statement.***

## Introduction

The application of a Spit Guard is designed to reduce the inherent risks associated with trying to control violent, aggressive subjects who are handcuffed, but still pose a significant threat to the public and officers by their actions of spitting.

The purpose of the Spit Guard is to restrict the ability of the subject to spit in order to minimise health risks and reduce the potential transmission of infectious diseases, such as hepatitis which can be transmitted through saliva or blood in saliva.

## Guidance

### Use of Force Legislation

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, which states: -

“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”.

It is important to note that the wording of Section 3 of the Criminal Law 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. It also makes clear that the use of excessive force cannot be sanctioned.

The use of a Spit Guard may be appropriate against: -

- i. Those offering a level of violence which cannot be appropriately dealt with by the employment of lower levels of force.
- ii. Violent offenders, where failure to reduce their ability to spit, would increase the risks to all present.

Using the National Decision Model, the decision to use the Spit Guard will be dependent on an officer's assessment of the situation; this will include his or her own ability to deal with the incident and the threat posed by the subject(s). Guards should be used only when absolutely necessary and proportionate.

### Training and Use

Officers may only be issued with and can only use spit guards after completing the online training video produced by EMCHRS unless the officer has already received direct training during the course of their officer safety training (OST) refresher.

Spit Guards will be issued to officers in operational roles, including special constables & PCSOs, as part of their personal safety equipment, together with a copy of the Spit Guards Dos & Don'ts aide memoire.

Prior to use, officers should ensure that the Spit Guard is new and undamaged before use.

Spit Guards should only be used in circumstances where the actions of the subject are such that they pose a health risk by their actions of spitting.

Officers should consider the subject's behaviour including if they are currently spitting, attempting/threatening to or where the officers' belief is that the subject will attempt to do so.

The subject should be handcuffed to the rear before the Spit Guard is used.

Under no circumstances should a subject be left unattended whilst wearing a Spit Guard. Officers should keep anyone who is wearing a Spit Guard under constant supervision due to the slight risk of it inducing breathing difficulties, especially if the subject begins to vomit.

The Spit Guard will not be used on anyone that is vomiting, having difficulty breathing, or is bleeding profusely from the mouth or nose area.

Spectacles should be removed from the subject prior to use and then replaced once the guard is fitted.

In the event of a medical emergency Spit Guards can be removed quickly and with ease.

It will be the responsibility of the officers involved with the use of the Spit Guard to ensure completion of a record of the use of force via Pronto or Niche Custody on their MDT.

Any involvement of an FME will be a matter for the officer using the Spit Guard.

Once used, the Spit Guard should be disposed of as per Divisional Bio-Hazard protocols. Replacement Spit Guards can be ordered from HQ Stores.

An aide-memoire of the below dos and don'ts can be obtained from HQ Publications as a quick reminder for officers when considering the use of a Spit Guard.

## **Dos and Don'ts**

### **Dos**

- **Always use the National Decision Making Model (NDM) before applying the Spit Guard and be prepared to justify its use as being appropriate.**
- **Handcuff the subject to the rear.**
- **Always explain to the subject the reason for using the Spit Guard.**
- **Always closely monitor the subject.**
- **Always record the subject's threat to spit or spitting on MDT, custody record, use of force forms, body worn video, intelligence system and PNC as required.**
- **Always maintain the dignity of the subject wearing the guard, ensuring the guard is only in place for as long as necessary.**
- **Be aware of the impact on the general public should it be necessary to fit a spit guard in public view.**

### **Don't**

- **Never leave the subject unattended.**
- **Never use on a subject who has breathing difficulties e.g. asthmatic, copious vomiting or bleeding.**
- **Never allow the spit guard to become soaked.**
- **Never use the spit guard as a punishment or in an attempt to gain compliance.**
- **Never automatically use the spit guard because the subject has spat in the past or there is intelligence to indicate the same.**

