

Spit and Bite Guards

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Policy Statement

Summary

West Yorkshire Police (WYP) complies with Authorised Professional Practice (APP), which contains information to assist policing. WYP also provides additional guidance to police officers on a local level.

A Force purpose is to reduce crime, protect the vulnerable and provide reassurance. This is to ensure that the people of West Yorkshire can go about their everyday lives in a peaceful environment.

It is accepted that, to achieve this during everyday policing, trained officers and staff will be required to use force to achieve the objective of resolving incidents they are dealing with.

One such use of force is the deployment and use of a Spit and Bite Guard by trained individuals.

WYP has a responsibility to protect individuals exposed to risk as part of their duty under the Health and Safety at Work Act (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 at them.

This also forms part of the Force's People Ambition regarding the provision of a safe and healthy work environment. A Spit and Bite Guard is a piece of personal protective equipment (PPE) which can be used when appropriate.

Scope

This policy applies to all police officers, special constables, and police staff detention officers who operate in the custody areas in the Force.

Principles

General

- The purpose of this policy is to lay down procedures when considering use of the Spit and Bite Guard as a tactical option and to ensure its use is in line with current training provided. It will also compliment national policy as laid down by the College of Policing.
- The Spit Guard Pro Spit and Bite Guard is the approved product for WYP. This product has been certified under the CE Medical Devices Directive 93/42/EEC.
- The Spit and Bite Guard is constructed from a breathable material that reduces the risk of the wearer being able to assault police officers, police staff or the public by spitting or biting. Its application prevents a person from spitting beyond the confines of the guard and allows for the safe

escort and transportation of the arrested person from a public or private location to a police vehicle or within the confines of a WYP custody area.

- The use of a Spit and Bite Guard could attract comment from members of our communities and, as such, its use must always be proportionate, reasonable and justified. Officers and staff must be mindful of its use, especially when considering use on persons perceived to be vulnerable due to medical conditions, mental health history or age. An officer must be fully able to justify their tactical decision in using the Spit and Bite Guard which must be in line with the Code of Ethics and the National Decision Model (NDM).
 - Reassessment of the continued use of Spit Guards must be an ongoing process based on the risk/threat assessment.
 - Spit and Bite Guards will be issued as an item of personal protective equipment (PPE) to police officers.
 - Spit and Bite Guards will not be issued to police staff, with the exception of those working within a custody environment (Detention Officers).
 - Spit and Bite Guards will be made available by each policing district and can be carried by each officer/Detention Officer for use where required.
 - The Spit and Bite Guard is a 'one use only' device. It will be the responsibility of all officers and staff to ensure that the Spit and Bite Guard is new and undamaged and prepared for use. It must be checked regularly in line with other relevant PPE checks.
 - Application of a Spit and Bite Guard is a use of force and needs to be recorded as such.
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Training

Principles

- All police officers who attend their annual Public and Police Safety Training (PPST) will receive training in use of the Spit and Bite Guard.
 - Police officers and police staff Detention Officers who attend at Custody Training will receive training in use of the Spit and Bite Guard in their refresher training.
 - As well as viewing an information video prepared by Commander Twist of the MPS, officers and staff will need to demonstrate operational competence in application of the guard during PPST.
 - Without being trained in use of the Spit and Bite Guard then the officer or staff member will not be permitted to use this operationally.
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Operational Deployment

Principles

- A Spit and Bite Guard 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 public.
- Officers wearing BWV must ensure that it is turned on as soon as possible for footage to be captured of the incident which includes application of the Spit and Bite Guard. The footage needs to be retained for evidential purposes.
- All officers and Detention Officers are required to justify their decision making and actions using the NDM. This decision must be based on evidence, information and intelligence available at the time and best professional judgement.
- All officers and Detention Officers must note that only in exceptional circumstances should a Spit and Bite Guard be used on a person who is under 18 years of age, or appears to be under 18 years of age. A detailed rationale must be recorded in such an instance.
- Officers, where practicable, must issue a verbal warning to the subject prior to the Spit Guard being used. The warning is for the benefit of the subject, onlookers and other officers, similar to the warning given before the use of other PPE. The warning below is recommended or words similar to:
“Stop spitting. To protect myself and others I am placing a spit and bite guard over your head.”
- The subject must always be handcuffed to the rear before application of the guard. It is vitally important that the subject is under control, otherwise there is opportunity for the subject to interfere with the Spit and Bite Guard applied to them.
- Eyewear will be removed where possible from the subject prior to a Spit and Bite Guard being applied. Consideration must be given to jewellery, including facial piercings. These may interfere with the Spit Guard whilst donned and prevent it being removed quickly and in the event of a medical emergency.
- The reasons for the application must always be explained to the subject. Good communication skills are important. The dignity of the subject wearing the Spit and Bite Guard must always be maintained and individuals must ensure that the guard is only in place for as long as necessary. If the subject is being escorted from the location of arrest to a police vehicle, this needs to be done as promptly as practicable in the circumstances.
- When a subject is in a prone position or where the breathing mechanism is under additional pressure and control has been achieved, it is essential that the subject position is adjusted. Where possible the subject must be moved to be restrained on their side (recovery position), seated or in a kneeling position as practicable.
- The subject must never be left alone when a Spit and Bite Guard has been applied and the subject must be closely monitored at all times.

- Where PAVA has been deployed officers must be aware that this may cause the subject additional distress and an excessive amount of mucus and saliva.
 - On occasions, an elevated level of distress may be shown by the detained person when a Spit Guard is applied. Staff must provide verbal reassurance and dynamically assess the situation with a view to removal if appropriate. In the event of a medical emergency the Spit Guard must be removed immediately. Recovery from the effects of the use of a Spit Guard should be instantaneous. It is important that officers instruct the subject to breathe normally. This will aid recovery and mitigate against hyperventilation.
 - Officers need to consider the 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 Spit Guard must not be used on anyone that 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; and/or
 - Demonstrating symptoms of laboured or excessively distressed breathing. These may be symptoms of positional or postural asphyxia.
 - A Spit and Bite Guard must never automatically be used because the subject has spat in the past or there are intelligence markers to indicate previous spitting.
 - A Spit and Bite Guard must not be used if it becomes soaked once applied on the subject. In such an instance it must be replaced by a new Spit and Bite Guard and the previous one disposed of appropriately.
 - Once used the Spit and Bite Guard needs to be treated as a biohazard and disposed of appropriately.
 - If individuals have been spat at and spittle has entered their eyes, mouth, nose or 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.
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Reporting Use and Review

Principles

- Following use of a Spit and Bite Guard the police officer must inform the control room via airwave radio that it has been deployed.
- Upon arrival in custody the Custody Sergeant must be informed that a Spit and Bite Guard has been used by the arresting/escorting officer with the detainee. The Custody Sergeant must also be informed if a Detention Officer or police officer has used a Spit and Bite Guard in a custody setting alone.

- At the discretion of the Custody Sergeant, it may be appropriate for the subject to be assessed by a health care professional and/or FME in line with local procedure and after considering the NDM. The Custody Sergeant must ensure the rationale for any action taken is documented in the subject's custody record.
 - The police officer or Detention Officer who has used the Spit and Bite Guard is required to complete a Use of Force reporting form concerning the application. This must be completed before the officer or staff member retires from duty.
 - The duty inspector must be informed that a Spit and Bite Guard has been used who in turn will notify the duty Silver Cadre. This only applies when a guard has been used outside of a custody setting. This reporting process does not apply to use within a custody setting alone.
 - It is the responsibility of the duty Silver Cadre to undertake a review of the deployment of the Spit and Bite Guard to assess the proportionality and appropriateness of use. As part of this review, BWV will be viewed and available documents such as the Use of Force form and Statements will be reviewed.
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Additional Information

Compliance

This policy complies with the following legislation and guidance:

- APP Operations
 - APP Public Order
 - Criminal Law Act 1967
 - Police and Crime Evidence Act 1984
 - Common Law
 - Data Protection Act 2018
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