



**Police Service**  
of Northern Ireland

**The Use of Spit and Bite Guards by the Police Service of  
Northern Ireland**

**Bi-Annual Report to the Northern Ireland Policing Board**

**January 2023**

**V1.4**

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***We derived the data presented in this report from management information, sourced from more than one system and collated manually on a daily basis. The different methodology and sources may result in slight differences between the management information and Official Statistics. The figures are provisional and subject to change. Please refer to Page 28, which explains how we capture the data.***

## **Introduction:**

The Police Service adopted Spit and Bite Guards as a permanent tactic to counter assaults by spitting and biting on 13<sup>th</sup> June 2022. Currently, Spit and Bite Guards are on issue to approximately 4000 frontline officers and staff in the following roles:

- Local Policing Teams (LPT)
- Neighbourhood Policing Teams (NPT)
- Tactical Support Group (TSG)
- Roads Policing Unit (RPU)
- Custody Staff
- Armed Response Unit
- Officers deployed in cell vans

As a commitment to the Policing Board to continue to share data and policy updates, this is the first bi-annual report relating to the continued use of Spit and Bite Guards by the Police Service of Northern Ireland since we adopted the tactic permanently.

## **Governance Framework: The Service Accountability Panel (SAP):**

The Service Accountability Panel (SAP) now provides governance for the use of Spit and Bite Guards. SAP is a development of the former Policing Powers Development Group. This governance structure focuses on effective data collection and analysis, in particular around all protected characteristics, to include an agreed and consistent means of recording religious and community background data. Data relating to the use of Spit and Bite Guards on children and other vulnerable people is a particular focus for this governance framework. The panel will bring forward wider public consultation on matters, where and when appropriate, and create working groups to ensure external accountability for the use of police powers. It will be a point of contact for oversight bodies submitting recommendations on the use of police powers

and will work to identify any adverse differential impact they may have on the protected groups under Section 75 of the Northern Ireland Act 1998. The SAP is ultimately accountable to the Northern Ireland Policing Board and reports accordingly through established structures.

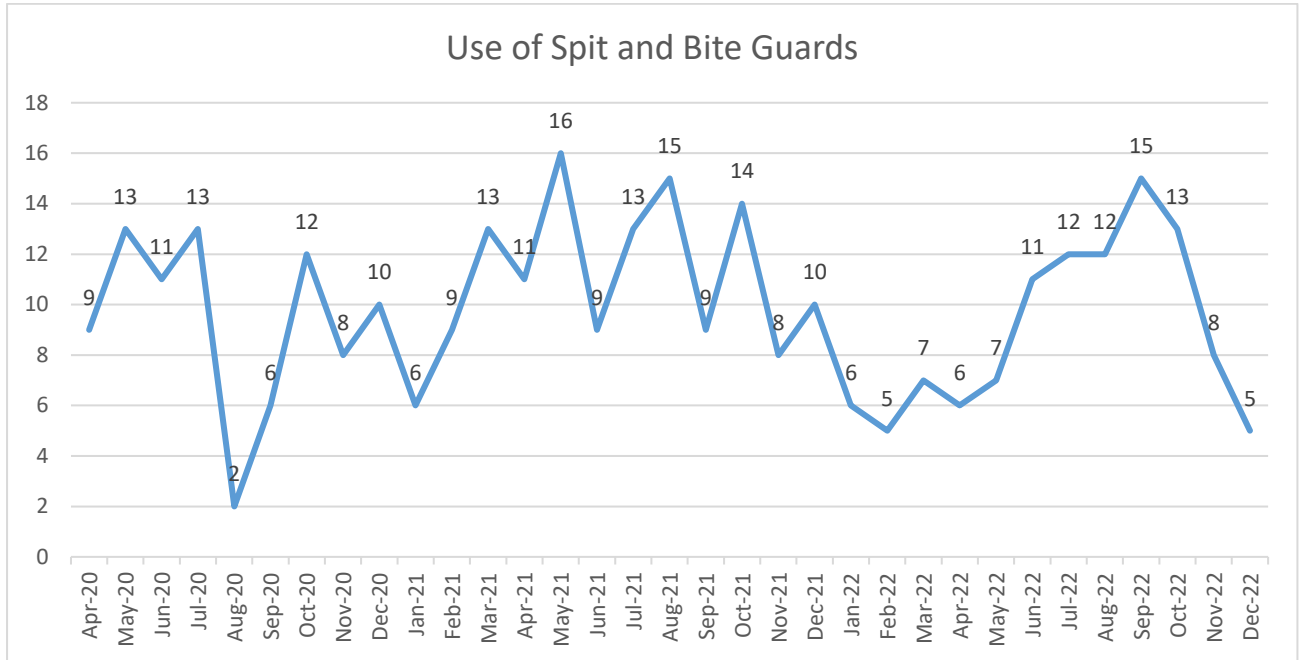
The Service Accountability Panel comprises District Performance Superintendents and representatives from Policing Powers Development and Operational and Tactical Development Units, a Senior Police Analyst and our Principal Statistician. SAP membership also includes External Reference Group (ERG) members. The ERG does not fulfil an accountability or oversight function for the Service, rather the ERG members have relevant professional experience related to the areas under consideration and are therefore qualified to support SAP broadly. We identified an initial four ERG members through their previous professional engagements with the Police Service at a senior level in a variety of roles. They agreed to assist the Service Accountability Panel by providing objective, professional advice and guidance on the future development of policing tactics and policy, specifically related to the use of force and stop and search powers.

The Police Service tracks use of force (notably the use of Spit and Bite Guards), stop and search, Criminal Justice disposals, strip searches and police detentions in custody through SAP. The inaugural meeting took place on 8 November 2022 with the next meeting scheduled for February 2023. The panel considers a statistical report on the use of Spit and Bite Guards at every meeting as well as examining incidents where officers have deployed a Spit and Bite Guard on a child. Where appropriate, the panel can engage the External Reference Group who will provide independent advice, guidance and understanding if further consultation is required.

The chair of the Service Accountability Panel (ACC Operational Support Department-OSD) reports findings from the meetings to the Service's Strategic Performance Board. ACC OSD will also update the Policing Board on any findings relating to the use of police powers.

**Data relating to the Use of Spit and Bite Guards:**

From 16 March 2020-16 December 2022, there have been 325<sup>1</sup> reports of use of a Spit and Bite Guard by an officer or staff member (see graph below):



For ease of reference, the Policing Districts are as follows:

District	
A	Belfast City
B	Lisburn and Castlereagh
C	Ards and North Down
D	Newry, Mourne and Down
E	Armagh, Banbridge and Craigavon
F	Mid Ulster
G	Fermanagh and Omagh
H	Derry City and Strabane
J	Causeway Coast and Glens
K	Mid and East Antrim
L	Antrim and Newtownabbey

<sup>1</sup> This is to 16 December 2022. Based on Spit and Bite Guard Daily Return and are subject to change

The following is a breakdown of the key points of note:

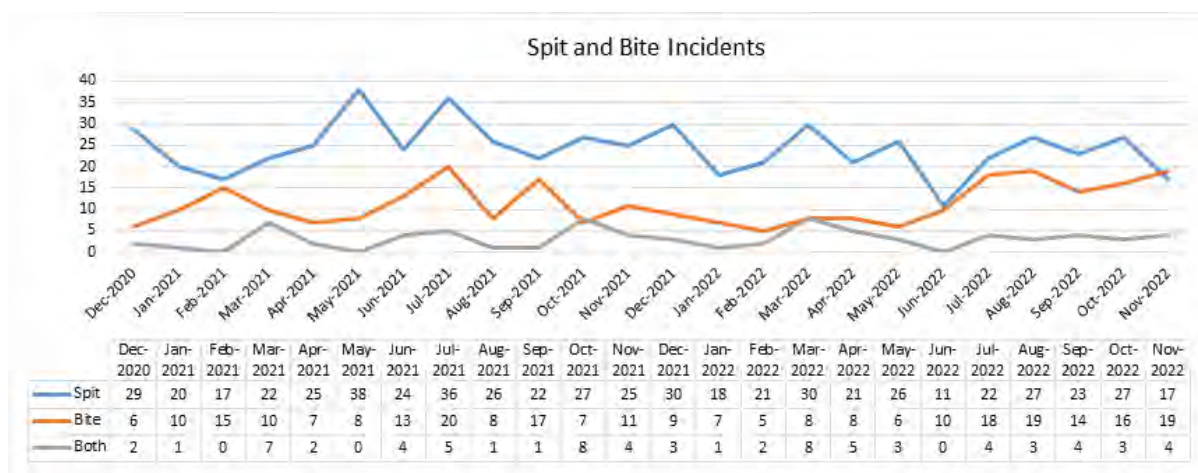
- 272 Spit and Bite Guards applied were applied on males, the remaining 53 were applied to females.
- Individuals ranged in age from 14 years to 74 years old. 19 applications were made on individuals aged under 18. Of these, 15 were applied to male children. Four children have had the guard applied twice.
- Of the incidents of use of a Spit and Bite Guard involving youths aged under 18, four were a looked after child at the time of the incident.
- The majority of individuals who had had a Spit or Bite Guard applied was recorded on Niche as white (309); four individuals were recorded as members of the Irish Travelling community, three as Roma, six as Black and three as other
- Spit and Bite Guards have been applied across all Districts with A District reporting the highest number 93, followed by E District (46)-based on where the incident originated.
- There have been 17.04 applications of Spit and Bite Guards per 100,000 population in Northern Ireland since their introduction<sup>2</sup>. Levels vary across all Districts, from 4.32 per 100,000 in C District to 28.46 per 100,000 population in H District.
- 88% of incidents have been linked to drugs and alcohol prior to the application of the Spit and Bite Guard.
- 83% of incidents involved spitting, 3% involved biting and 14% involved both as reason for application.
- Data from Use of Force forms shows that 43% of incidents were linked to mental health.
- 53% of those who had a Spit and Bite Guard applied have been flagged as having a mental health issue.
- From 1<sup>st</sup> March 2020 to 12<sup>th</sup> December 2022, there have been 1258 reports of spitting/biting affecting 942 police staff (914 police officers and 28 Civilian Detention Officers). There were 40 reports where officers deemed the subject

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<sup>2</sup> Based on 2020 mid-year population estimates provided on NISRA website.

COVID-19 suspicious and 246 reports where injured parties may have absorbed saliva i.e. eyes, mouth.

- The graph below shows the number of spitting and biting incidents reported by officers and staff between December 2020 and November 2022:



### Deployments of Spit and Bite Guards on the Section 75 Groups:

Below are statistics we have gathered relating to deployments of Spit and Bite Guard on seven of the nine Section 75 groups (we do not ask for information on sexual orientation or political opinion). We obtained the figures below from our NICHE system based on 325 deployments at 16 December 2022.

Gender	Spit and Bite Guard Applications	% of Total Deployments
Male	272	83.7
Female	53	16.3

Ethnicity	Spit and Bite Guard Applications	% of Total Deployments
White	309	95.1
Black	6	1.8
Irish Traveller	4	1.2
Roma	3	<1
Other	3	<1

Age range	Spit and Bite Guard Applications	% of Total Deployments
10 – 17	19	5.8
18 – 20	40	12.3
21 – 30	141	43.4
31 – 40	85	26.2
41 – 50	29	8.9
51 – 60	10	3.1
71 – 80	1	<1

Community Background	Spit and Bite Guard applications	% of Total Deployments
Roman Catholic	140	43.1
Protestant	58	17.8
Unknown	121	37.2
Refused	2	<1
Muslim	1	<1
Other Christian	3	<1

Marital Status	Spit and Bite Guard Deployments	% of Total Deployments
Single	285	87.7
Married	6	1.8
Co-habiting	11	3.4
Separated	9	2.8
Divorced	1	<1
Not Known	13	4.0

Subject with Disability (recorded on NICHE)	Spit and Bite Guard Deployments	% of Total Deployments
N	237	72.9
Y	88	27.1
Type of Disability recorded		
Mental Health	56	17.2
Physical	13	4.0
Learning	8	2.5
Autism	3	<1
Sensory	1	<1
More than one of Mental Health/Learning/Physical	7	2.2



Subject with Dependants	Spit and Bite Guard Deployments	% of Total Deployments
Yes	39	12.0
No	280	86.2
Not known	6	1.8

### Benchmarking with other forces

The following tables show data on the use of Spit & Bite Guards by UK Police Services of relative comparable size to the Police Service of Northern Ireland by gender and age from 1 March 2020-30 November 2022:

Police Service	Number of deployments	Use on males	Use on females	Use on children
PSNI	320	269 (84%)	51 (16%)	19 (6%)
Police Scotland	2,184	1,688 (77%)	496 (23%)	323 (15%)
West Yorkshire	913	718 (79%)	195 (21%)	73 (8%)

The table below shows how our use of Spit and Bite Guards compares with other uses of force (1<sup>st</sup> April 2020 -30<sup>th</sup> September 2022):

Use of Force	Total number
Baton drawn only	536
Baton drawn & used	273
Irritant spray drawn only	573
Irritant spray used	547
Spit and Bite Guard	299

The table below shows more detailed figures with % changes from 2020/21 to 2021/22:

**Table 1: Police use of force between 1 October 2021 and 30 September 2022 compared to the same period last year**

Use of Force	Oct 20 - Sep 21	Oct 21 - Sep 22	% change <sup>(1)</sup>
AEP pointed	64 <sup>(2)</sup>	73 <sup>(3)</sup>	14%
AEP discharged	6 <sup>(2)</sup>	7 <sup>(3)</sup>	17%
<b>AEP Total</b>	<b>70</b>	<b>80</b>	<b>14%</b>
Baton drawn only	224	202	-10%
Baton drawn & used	123	99	-20%
<b>Baton Total</b>	<b>347</b>	<b>301</b>	<b>-13%</b>
Irritant spray drawn only	215	259	20%
Irritant spray used	210	244	16%
<b>Irritant spray Total</b>	<b>425</b>	<b>503</b>	<b>18%</b>
Firearm drawn or pointed	455	470	3%
Firearm discharged	1	0	-100%
<b>Firearm Total</b>	<b>456</b>	<b>470</b>	<b>3%</b>
<b>Police dog</b>	<b>171</b>	<b>110</b>	<b>-36%</b>
CED drawn	290	301	4%
CED fired	18	16	-11%
<b>CED Total</b>	<b>308</b>	<b>317</b>	<b>3%</b>
<b>Handcuffs / limb restraints</b>	<b>5,142</b>	<b>5,340</b>	<b>4%</b>
<b>Unarmed physical tactics</b>	<b>9,056</b>	<b>10,136</b>	<b>12%</b>
<b>Spit and bite guard</b>	<b>132<sup>(4)</sup></b>	<b>113</b>	<b>-14%</b>
Water cannon deployed	2	0	-
Water cannon deployed and used	2	0	-
<b>Water cannon Total</b>	<b>4</b>	<b>0</b>	<b>-</b>
<b>Total</b>	<b>16,111</b>	<b>17,370</b>	<b>8%</b>

(1) Percentage figures are rounded to the nearest integer.

(2) During October 2020 – September 2021 AEP was pointed only as a less lethal option. On the 6 occasions it was discharged, 3 occasions were as a less lethal option and 3 occasions were during public disorder.

(3) During October 2021 – September 2022 AEP was pointed and discharged only as a less lethal option.

(4) Following an audit of spit and bite guard (SBG) deployments, a record in April 2021 was identified as being two distinct applications rather than one. As a result, the number of uses of SBGs during October 2020 to September 2021 has been revised from the previously published figure of 131 to 132.

## **Policy and Training:**

There have been some significant changes to policy and training since the introduction of Spit and Bite Guards in March 2020 (recent policy amendments detailed above). We have taken account of the Board's recommendations on some aspects of policy and training particularly around the use of the tactic on children and vulnerable people. Please see Appendix C for a copy of our policy on The Use of Spit and Bite Guards. The policy is a live document, which we update and re-issue when engagement or feedback from partners leads us to reconsider some areas of policy.

Training in the use of Spit and Bite Guards is as follows:

- A mandatory online training package which links to our policy on the use of the tactic, **plus**
- Face-to-face Personal Safety Programme (PSP) training once a year

PSP training is mandatory for all officers of Inspector rank and below and optional for Chief Inspectors and above. Officers must complete one of the following PSP packages:

- Enhanced PSP training-for operational officers who are in forward-facing, frontline roles. This is one full training day per year.
- Standard PSP training-for non-operational officers who do not generally interact with the public on a daily basis. This is a half-day input once a year.

Enhanced PSP training includes a 45-minute bespoke Spit and Bite Guards lesson with a practical scenario and revision of the policy. This includes the section of policy pertaining to Human Rights. The Standard PSP course also covers the policy on the use of Spit and Bite Guards albeit in less detail. The College of Policing is reviewing PSP training for all forces with a desired emphasis on scenario-based training. We are moving to a more scenario-based model of training during 2023.

We launched a revised training video in August 2022 incorporating the recommendations from the Board's Human Rights advisor and the Police Ombudsman. Officers from our Operational & Tactical Development Unit (OTDU) monitor training compliance and send periodic reminders to all officers that the course is mandatory and replaces any previous Spit and Bite Guard training course.

OTDU also provide District Commanders with weekly training compliance figures for their District. With every policy revision, we send a Service-wide notification for the information of officers and staff who carry Spit and Bite Guards.

De-escalation/Disengagement:

All Personal Safety Programme (PSP) lessons incorporate crisis communication/de-escalation techniques. PSP training will include scenario-based training in the coming months where officers can put de-escalation training into practice. We use the National Police Chiefs Council Personal Safety Manual as the basis for our PSP training. This means we are in line with other UK forces in terms of what we teach in relation to de-escalation and disengagement.

We train officers to use the National Decision Model prior to engaging any use of force. PSP refresher training includes a lesson on the National Decision Model, which includes information on the use of effective communication skills in a conflict management situation. The range of communication models covered include LEAPS (Listen, Empathise, Ask, Paraphrase and Summarise), the Betari Box (my attitude and my behaviour affect your attitude and your behaviour) and the Five-Step Appeal (simple appeal – reasoned appeal – personal appeal – final appeal - action). The five-step appeal acts as a mediation tool to assist individuals to view a situation from their own perspective. We have added a reference to the five-step appeal model to policy to re-inforce the de-escalation approach officers should take prior to using force:

*Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request.*

If the individual continues to spit/bite, officers give the following warning prior to applying a Spit and Bite Guard:

*Stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head.*

As part of Stage 7 of the EQIA process, we are monitoring how many incidents relate to mental health/drugs/alcohol. PSP training includes scenarios where the subject is behaving irrationally due to one or more of these factors. Officers are encouraged to use good communication to de-escalate these situations.

### **Use on Children:**

Deployments of Spit and Bite Guards on children remains low. There have been 19 applications on 15 children as follows, balanced against 325 overall deployments at 16 December 2022:

3 x 14 year olds (guard applied twice to one individual)

3 x 15 year olds

6 x 16 year olds (guard applied twice to two individuals)

3 X 17 year olds (guard applied twice to one individual)

Data shows that between 1 March 2020 and 18 October 2022, there were 1182 reports of spitting/biting. In 738 of these incidents where details were available, 81 involved a child/young person under 18. This equates to 10.97% of the reported incidents.

The following table shows the length of time the guard remained on each child:

<b>Date of Application</b>	<b>Age</b>	<b>Length of Time Applied</b>
25/04/2020	16	15 Minutes
13/05/2020	17	45 Minutes
23/06/2020	17	45 Minutes
12/10/2020	15	15 Minutes
29/11/2020	15	30 Minutes
31/01/2021	16	15 - 19 Minutes
25/04/2021	14	45 - 49 Minutes
26/05/2021	14	25 - 29 Minutes

14/06/2021	16	120+ Minutes
17/07/2021	16	20 - 24 Minutes
26/07/2021	14	10 - 14 Minutes
28/08/2021	16	60 - 64 Minutes
17/10/2021	15	5 - 9 Minutes
21/06/2022	17	55 - 59 Minutes
24/10/2022	16	10 - 14 Minutes

The Service Accountability Panel (SAP) reviews every deployment of a Spit and Bite Guard on a child. This review includes:

- Details of the incident
- any attempt by officers to de-escalate the situation
- the length of time the guard remains on the child
- any vulnerabilities highlighted (other than age)
- an assurance that officers complied with policy, particularly regarding a referral to Social Services
- details of any other referral made, for example through the District Vulnerability Hub

To assist with these reviews, OTDU officers view the Body Worn Video footage of every deployment of a Spit and Bite Guard on a child. We also prepare a written brief on the incident for SAP, which includes reference to attempts by officers to de-escalate the situation.

Policy on the use of Spit and Bite Guards emphasises the requirement to consider alternatives to the use of the guard, in particular to attempt de-escalation:

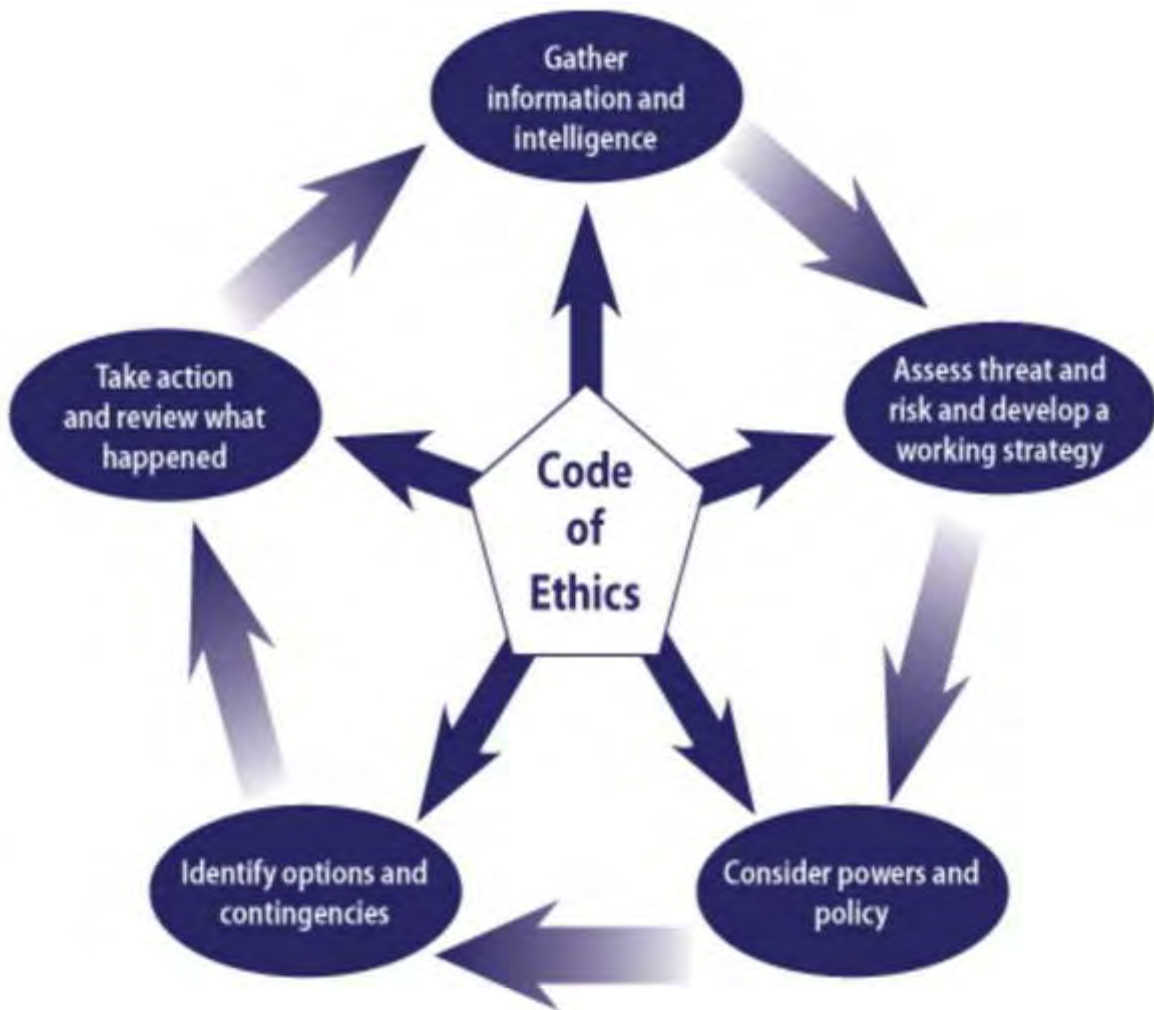
*Where a subject is confirmed as being under 18 (or is believed to be under 18), officers must consider and discount all other available options and tactics before a spit and bite guard is deployed. This includes options to aide de-escalation with the*

*subject and, where practicable, an alternative to a Spit and Bite Guard, for example, good communication, donning additional personal protective equipment or placing the individual in a cell van and keeping under observation. Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request. Other tactics to consider are disengaging entirely from the subject for a period of time with due consideration given to the safety of yourself, your colleagues and members of the public, engagement with a parent/guardian or engagement with social services.*

In examining Body Worn Video footage of the use of the tactic on children, we have seen consistently good examples of officers attempting to de-escalate situations prior to deploying a Spit and Bite Guard. Video footage shows officers encouraging subjects to calm down although it is clear that these attempts fail when officers deploy a Spit and Bite Guard. Upon applying the guard, there is good evidence of officers communicating well with the individual and assuring them that they will remove the guard as soon as spitting stops.

In circumstances where officers have restrained a subject (adult or child) with handcuffs or limb restraints, they are encouraged to use the National Decision Model (NDM) to assess whether or not a Spit and Bite Guard is required. We cover the need to refer back to the NDM in Personal Safety Programme training. The NDM is a decision-making tool with our Code of Ethics at its core. Even in dynamic situations, officers will use it to determine a course of action.

**The National Decision Model:**



Following engagement in October 2022 with partners advocating for children, ACC Operational Support Department (OSD) asked the Police Ombudsman to accept notification of every use of a Spit and Bite Guard on a child. The Ombudsman agreed and began accepting notifications from 1 November 2022 for an initial 12-month period. PONI staff view Body Worn Video footage of every deployment on a child as part of this pilot. Since the pilot began, we have made one notification to PONI regarding the deployment of a Spit and Bite Guard on a child (17 years) on 15<sup>th</sup> January 2023.

From the Body Worn Video footage of applications of Spit and Bite Guards on children, there is evidence that officers are proactively attempting de-escalation before resorting to deploying the guard.



## **Use by Religious Belief:**

Data on the use of Spit and Bite Guards by religious belief shows that we have used this tactic more frequently against persons who identified their religion as Roman Catholic, than against persons who identified their religion as Protestant or who identified themselves as having no religion. We do not have a reliable source of data disaggregated by religion to make any meaningful comparison in this area. We currently glean data on religious belief by a manual trawl of NICHE. Since we do not formally record religious belief, we rely on a detainee volunteering this information in custody. The Board's Human Rights Legal Advisor made reference to the use of the tactic by religious belief in his Review into PSNI's Use of Spit and Bite Guards (February 2022):

*Urgent consideration needs to be given to the disproportionate numbers of Catholics subject to Spit and Bite Guards. Currently the lack of any research by PSNI and no objective justification makes their continued use a violation of Article 14 combined with Article 3.*

The data currently available to us concerning the use of Spit and Bite Guards indicates a potential difference of treatment between members of those groups. This data cannot be properly relied upon to support a finding of discrimination, prima facie or otherwise. We understand the concerns raised by this data and will, as part of the process of ongoing review of policy and training, endeavour to obtain more reliable data and identify any measures which would provide greater understanding of the issues involved.

Third sector groups with an interest in Spit and Bite Guards recognise that there are multi-faceted reasons for the seemingly disproportionate use of the tactic on members of the Catholic community. They also agree that we can only understand the reasons for this through partnership working with the DOJ, Education Authority and Health

Trusts etc. An independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups.

Communication from the Northern Ireland Office in late 2021 indicated that the Secretary of State for NI (SOSNI) was supportive of the introduction of legislation enabling community background monitoring. The current SOSNI has recently reviewed the case for legislative change and has declined to take this proposal forward.

In the absence of legislative change, we are actively considering other means of progressing community background monitoring.

### **Disability:**

The Equality Commission for NI defines disability as:

*A physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.*

We presented statistics in the EQIA consultation document showing that 81% of uses of Spit and Bite Guards had been on people with a disability. The figure of 81% included people with mental health disabilities and incidents where we had noted drugs and/or alcohol as a factor. We do not formally record data on disability. Any record of a detainee having a disability is either officer-perceived or volunteered by a detainee whilst in custody. In gathering the data for the EQIA consultation document, we examined the custody records of each individual who had had a Spit and Bite Guard applied. Anyone under the influence of drink/drugs was categorised as having a vulnerability at the time of application. In reviewing these figures at 15 December 2022, of 325 deployments of a Spit and Bite Guard, 53% refer to individuals recorded on Niche as having a self-harm flag or suicidal flag prior to the application of the guard.

In monitoring the use of Spit and Bite Guards for Stage 7 of this EQIA (monitoring for

adverse impact in the future and publication of the results of such monitoring), any figures on disability obtained are disaggregated into type of disability where possible. This includes mental health disabilities. Data collected to date shows that 88 people with a disability, as defined by the Equality Commission, have had a Spit and Bite Guard applied. These disabilities include mental health issues, physical disabilities and learning disabilities. This accounts for 27% of all Spit and Bite Guard applications.

Our policy and training video on the use of Spit and Bite Guards contain comprehensive sections on “Vulnerability”. Both include the direction:

*If you are aware that the subject has mental health or another debilitating condition, which the use of a Spit and Bite Guard could exacerbate, the presumption will be that a Spit and Bite Guard should not be used*

By using the National Decision Model, officers should consider the subjects condition or suspected condition prior to applying a Spit and Bit Guard.

In June 2022, we met with representatives from Disability Action. We agreed on future use of the definition of disability as set out by the Equality Commission and committed to disaggregating figures on Spit and Bite Guard deployments by type of disability in future reporting. We have written to representatives from Disability Action to arrange another meeting, which will focus on how we present data on disabilities in the EQIA Stage 7 report in July 2023.

### **Recommendations by the Board’s Human Rights Advisor:**

Please see Appendix A for our response to the 21 recommendations the Board’s HRs Advisor made in his Review of PSNI’s Use of Spit and Bite Guards February 2022. We shared this response with Board members on 24 November 2022. (An updated version of this response is also available on our website).

Key points to note from our response are:

- We have accepted 19 recommendations and updates are provided in the attached table (Appendix A)

- We have not accepted two recommendations. These are recommendations 13 and 15 as follows:

**Rec 13:** *The Guidance should be reworded to reflect the fact that officers must give a prior warning stating that if the individual does not stop spitting, then they will apply the Guard.*

**Current Position:** We train officers to use the National Decision Model prior to engaging any use of force. PSP refresher training includes a lesson on the National Decision Model, which includes information on the use of effective communication skills in a conflict management situation. The range of communication models covered include LEAPS (Listen, Empathise, Ask, Paraphrase and Summarise), the Betari Box (my attitude and my behaviour affect your attitude and your behaviour) and the Five-Step Appeal (simple appeal – reasoned appeal – personal appeal – final appeal - action). The five-step appeal acts as a mediation tool to assist individuals to view the situation with a fresh personal view from their own perspective. We have added a reference to the five-step appeal model to policy to re-inforce the de-escalation approach officers should take prior to using force:

*Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request.*

If the individual continues to spit/bite, officers give the following warning prior to applying a Spit and Bite Guard:

*Stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head.*

**Rec 15:** *If an officer is aware the child is under 18 then the Guard should not be used under any circumstances. (Alternatively, where it is possible, only follow authorisation from a Superintendent.) If the Guard is used on a child, then the incident of this should be notified to the Police Ombudsman who should review the Body Worn Video.*

**Current Position:** We continue to examine the use of Spit and Bite Guards on children however, policy still allows for the use of the tactic on under 18s in certain circumstances. Deployments on children remain low (at 16 December 2022):

Fifteen deployments on children/young people under 18 as follows:

3 x 14 year olds (guard applied twice to one individual)

3 x 15 year olds

6 x 16 year olds (guard applied twice to two individuals)

3 X 17 year olds (guard applied twice to one individual)

With the re-application of the guard on four individuals, there have been 19 applications in total on children/young people.

Data shows that between 1 March 2020 and 18 October 2022, there were 1182 reports of spitting/biting. In 738 of these incidents where details were available, 81 involved a child/young person under 18. This equates to 10.97% of the reported incidents.

The Police Ombudsman has agreed to review every deployment of a Spit and Bite Guard on a child for a 12-month period beginning on 1 November 2022. PONI will also view the Body Worn Video footage of every deployment on a child during this period.

Policy Changes:

Following consideration of all 21 recommendations, we added the following text to policy:

- To make it clear to officers and the public that the use of Spit and Bite Guards on medical grounds alone is not justified:

*The Spit and Bite Guard is not PPE, it is a piece of work equipment. We have issued Spit and Bite Guards to protect you and the public from subjects who are spitting or biting. Spit and Bite Guards can reduce the risk of spitting or biting and can therefore reduce the risk of the spread of blood borne viruses via saliva or blood.*

- To set out the circumstances where the use of a Spit and Bite Guard on a child may be in the interests of a child:

*There may be rare occasions when use on a person under 18 may be appropriate. In certain circumstances, the use of a Spit and Bite Guard on a child may be the only alternative to an unnecessary escalation of the use of force or untested restraint tactics and may therefore be in the best interests of the child. In such circumstances, officers must implement the following:*

*Officers must take all reasonable steps to confirm the age of a subject prior to considering deployment of a Spit and Bite Guard.*

*The vulnerability of the subject must be taken into consideration in the context of the threat to officers and other members of the public.*

*Where a subject is confirmed as being under 18 (or is believed to be under 18), officers must consider and discount all other available options and tactics before a spit and bite guard is deployed. This includes options to aide de-escalation with the subject and, where practicable, an alternative to a Spit and Bite Guard, for example, good communication, donning additional personal protective equipment or placing the individual in a cell van and keeping under observation. Other tactics to consider are disengaging entirely from the subject for a period of time with due consideration*

*given to the safety of yourself, your colleagues and members of the public, engagement with a parent/guardian or engagement with Social Services.*

- To include more detailed assessment of the law and the human rights requirements in relation to the use of Spit and Bite Guards:

*Article 4 of the PSNI Code of Ethics states:*

*Police officers, in carrying out their duties, shall as far as possible apply non-violent methods before resorting to any use of force. Any use of force shall be the minimum appropriate in the circumstances and shall reflect a graduated and flexible response to the threat. Police officers may use force only if other means remain ineffective or have no realistic chance of achieving the intended result.*

- To deter any officer from using a Guard if they have not been recently trained to do so:

*..a subject wearing a Spit and Bite Guard MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit and Bite Guards. It is the responsibility of the officer applying the Spit and Bite Guard to ensure that the subject is always under the supervision of a trained officer/staff. If in doubt, ask a colleague if they are trained in the use of Spit and Bite Guards*

- To recognise the dangers illustrated by the Sussex case in regard to the use of PAVA and Spit and Bites Guards:

*Where the Spit Guard is applied after the subject has been exposed to incapacitant spray there is the potential for the Spit Guard to `trap` the product against the face of the subject and lengthen the effects. Consideration should be given to the replacement of the contaminated Spit Guard with a new Spit Guard if continued use is required.*

- To reinforce the importance of the guard being single-use:

*A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one. If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one. A Spit and Bite Guard must only be used on one subject and must never be applied to another person.*

- To reflect the fact that officers must give a prior warning stating that if the individual does not stop spitting, then they will apply the Guard. We have added a reference to the five-step appeal model to policy to re-inforce the de-escalation approach officers should take prior to using force. The five-step appeal acts as a mediation tool to assist individuals to view the situation with a fresh personal view from their own perspective:

*Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request.*

*If the individual continues to spit/bite, officers give the following warning prior to applying a Spit and Bite Guard:*

*Stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head.*

- To depict a more realistic scenario involving a non-compliant person in the training video
- To offer a simple explanation of the issues of the development of the child and adolescent brain:

*In people under 20, the frontal lobe of the brain still developing. This regulates decision-making, impulse control and the ability to cope with stressful situations. Children are likely to react differently than adults to some situations. You may be dealing with a child who has experienced past trauma. Psychological damage is a*



*real factor for vulnerable children who may have suffered abuse. Please be alert to this possibility when dealing with children.*

### **Recommendations by the Police Ombudsman for Northern Ireland:**

Please see Appendix B for our response to the recommendations made by the Police Ombudsman in her Review of PSNI's Use of Spit and Bite Guards, July 2021. We sent this response to PONI on 14 December 2022. The recommendations and our response broadly mirror those of the Board's HRs Advisor. Common themes are:

- Clarification on the "presumption" that a Spit and Bite Guard will not be used on children
- A stronger message around activating Body Worn Video
- The Spit and Bite Guard as a single-use item
- A more realistic training video to depict a non-compliant subject
- A subject wearing a Spit and Bite Guard must only be in the custody of a trained officer

In February 2022, a member of the public complained to PONI that the application of a Spit and Bite Guard left her feeling claustrophobic. PONI did not uphold the complaint due to lack of co-operation from the complainant. In a separate incident in November 2022, a member of the public complained about the application of a Spit and Bite Guard on her vulnerable adult son. PONI are currently investigating this complaint.

### **Further Engagement:**

We continue to engage with partners, particularly with those agencies who advocate for children and young people and other vulnerable people. In June 2022, we met representatives from Disability Action (details above). We also held an information day at Garnerville on 25<sup>th</sup> October 2022 where we sought the views of stakeholders,

including Amnesty International, the NI Commissioner for Children and Young People and the Children's Law Centre, on the continued use of Spit and Bite Guards. A representative from The Policing Board also attended this event. The Chief Constable and/or ACC OSD have engaged with representatives from the following agencies since June 2022:

- The Children's Law Centre
- The NI Commissioner for Children and Young People
- The Police Ombudsman for Northern Ireland
- External Reference Group members regarding the Service Accountability Panel
- The Equality Commission for Northern Ireland (ECNI)

We continue to work closely with the Equality Commission as Stage 7 of the EQIA progresses. On the advice of the Commission, we will publish interim data on the nine protected Section 75 groups on our website in January 2023. This data will reflect the statistics in this report.

ACC OSD has also engaged with Board members on a number of occasions since June 2022 to discuss the use of the tactic and to agree the format of this bi-annual report.

### **Ongoing Monitoring (EQIA Stage 7)**

The Equality Impact Assessment (EQIA) on the continued use of Spit and Bite Guards, published on 30 June 2022, found that any Section 75 group that is:

- (i) more likely to be subject to the use of a Spit and Bite Guard or
- (ii) which may be more likely to be negatively affected by the application of a Spit and Bite Guard if they are subjected to its use

may be adversely impacted by the use of Spit and Bite Guards in a post-Coronavirus environment. Alternatively, if officers deploy a Spit and Bite Guard in situations where physical restraint would be the only other option, the impact could be largely positive.

The EQIA concluded that the use of Spit and Bite Guards affects all Section 75 groups. In examining the data available within the EQIA and the comments from respondents, we identified that there may be a greater impact on some groups, namely:

- men
- young people
- people with a disability (including mental health)
- members of the Catholic community

Stage 7 of the EQIA process (*Monitoring for adverse impact in the future and publication of the results of such monitoring*) began in July 2022.

To comply with the Equality Commission for Northern Ireland's (ECNI) guidance on Equality Impact Assessments, we have developed a system to monitor the impact of our Spit and Bite Guards policy on the relevant groups and sub groups within the Section 75 equality categories (detailed below). We will review the results of ongoing monitoring on an annual basis. The results of this monitoring will be included in the PSNI Annual Progress report to the Equality Commission for Northern Ireland.

We will present this data in the Stage 7 EQIA report on the Use of Spit and Bite Guards in July 2023 and we intend to publish interim data on our website in January 2023.

We have monitored the use of Spit and Bite Guards daily since the introduction of the tactic (temporarily) in March 2020. The Service's Operational and Tactical Development Unit search the Use of Force system daily and note the details of any applications of a Spit and Bite Guard on a spreadsheet. The Spit and Bite Guard Daily Return Spreadsheet contains the following data:

- Officer details
- Name of subject
- Age of subject
- Gender of subject

- Ethnicity of subject
- Community background of subject
- Any disability noted (we use the Equality Act 2010 definition of a disability: *...a physical or mental impairment that has a substantial and long-term negative effect on your ability to do normal daily activities.*)
- Duration of application of the guard
- If alcohol/drugs were a factor
- If the incident was related to mental health
- If the subject is married
- If the subject has dependants
- Details of the Officer/Staff applying the guard
- District applied and where applied (street/police car etc.)
- If Body Worn Video used activated
- When the officer completed Spit and Bite Guard training
- If the incident was referred to the Police Ombudsman

If there has been a Spit and Bite Guard deployment on a child, we view the Body Worn Video of the incident and prepare a report for ACC Operational Support Department for discussion at the Service Accountability Panel.

We circulate the Spit and Bite Guard spreadsheet every morning to Senior Management within the Service, District Commanders, our Professional Standards Department and Staff Associations.

### **How we capture data:**

To assist with the preparation of the Stage 7 EQIA report, we capture quantitative data on the use of Spit and Bite Guards from our electronic Police records system (the system we use to capture details of calls from the public to police control centres. It also records the police resources dispatched to incidents and monitors events and calls for service) and forms that record injuries on duty.

We use the Police records system to gather data on the following Section 75 groups:

- Age
- Gender
- Racial/Ethnic Group

These are the only Section 75 groups we hold official data on.

We obtain data relating to the remaining Section 75 groups by asking a detained person questions in the custody suite or from officer perception or previous knowledge of an individual. We hold this information on the Case Management System - our core operational information system. We cannot rely on this information as official data as a detained person may wish to withhold it or to provide inaccurate information.

We use a manual trawl of our Case Management System to gather data on the following Section 75 groups:

- Religious Belief
- Marital Status
- Disability
- People with dependants and those without

However, whilst we may ask for these details, the detained person can decline to provide them or provide inaccurate information. Officer perception or previous knowledge of an individual can account for some of the data recorded for these four groups.

The Police Service never asks for data on the following Section 75 groups:

- Sexual Orientation
- Political Opinion

Following publication of the Stage 7 EQIA report in July 2023, we will continue to review data on the Section 75 groups on an annual basis. The Service Accountability Panel (SAP) will provide governance for the use of Spit and Bite Guards and will consider quarterly data reports on Spit and Bite Guard deployments, to include deployment on the nine protected groups. Data collated to date shows that we use Spit and Bite Guards predominantly on young males, which reflects similar levels in the wider judicial system. If data reviews highlight a disproportionate use of the tactic on any group or any deviation from the standard norm, we will conduct further analysis and additional engagement with advocates for the protected group.

Our Statistics Branch present a bi-annual Use of Force report to the NI Policing Board and an annual public Use of Force report. These reports contain data on all types of force used by the Service and includes Spit and Bite Guards.

Deployments of Spit and Bite Guards on the Section 75 Groups-interim data:

Below are statistics we have gathered to date relating to deployments of Spit and Bite Guard on seven of the nine Section 75 groups (we do not ask for information on sexual orientation or political opinion). We obtained the figures below from our Case Management System based on 325 deployments from 16 March 2020-16 December 2022.

Gender	Spit and Bite Guard Applications	% of Total Deployments
Male	272	83.7
Female	53	16.3

Ethnicity	Spit and Bite Guard Applications	% of Total Deployments
White	309	95.1
Black	6	1.8
Irish Traveller	4	1.2
Roma	3	<1
Other	3	<1

Age range	Spit and Bite Guard Applications	% of Total Deployments
10 – 17	19	5.8
18 – 20	40	12.3
21 – 30	141	43.4
31 – 40	85	26.2
41 – 50	29	8.9
51 – 60	10	3.1
71 – 80	1	<1

Community Background	Spit and Bite Guard applications	% of Total Deployments
Roman Catholic	140	43.1
Protestant	58	17.8
Unknown	121	37.2
Refused	2	<1
Muslim	1	<1
Other Christian	3	<1

Marital Status	Spit and Bite Guard Deployments	% of Total Deployments
Single	285	87.7
Married	6	1.8
Co-habiting	11	3.4
Separated	9	2.8
Divorced	1	<1
Not Known	13	4.0

Subject with Disability (recorded on Case Management)	Spit and Bite Guard Deployments	% of Total Deployments
N	237	72.9
Y	88	27.1
Type of Disability recorded		
Mental Health	56	17.2
Physical	13	4.0
Learning	8	2.5
Autism	3	<1

Sensory	1	<1
More than one of Mental Health/Learning/Physical	7	2.2

Subject with Dependents	Spit and Bite Guard Deployments	% of Total Deployments
Yes	39	12.0
No	280	86.2
Not known	6	1.8

*We derived this data presented from management information, sourced from more than one system and collated manually on a daily basis. The different methodology and sources may result in slight differences between the management information and Official Statistics. The figures are provisional and subject to change.*



## Appendix A: Response to NIPB HRs Advisor's 21 Recommendations of 2021 (November 2022)

### Strategic Recommendations

Recommendation	Status (accepted/not accepted)	R/A/G	Current Position (21 November 2022)	Comments NIPB
1. The lack of sound medical advice that demonstrates the effectiveness of Spit and Bite Guards in preventing the transmission of COVID-19 or any other infection means that PSNI should make it clear to officers and the public that the use of Spit and Bite Guards on medical grounds alone is not justified.	Accepted		We have updated policy to reflect the medical position as follows: <i>The Spit and Bite Guard is not PPE, it is a piece of work equipment. We have issued Spit and Bite Guards to protect you and the public from subjects who are spitting or biting. Spit and Bite Guards can reduce the risk of spitting or biting and can therefore reduce the risk of the spread of blood borne viruses via saliva or blood.</i>	
3. It is difficult to see how the use of a Spit and Bite Guard will ever be in the interests of a child and therefore the Guidance should be amended to set out the circumstances where this might, possibly, be true.	Accepted		We have updated policy as follows: <i>“..There may be rare occasions when use on a person under 18 may be appropriate. In certain circumstances, the use of a Spit and Bite Guard on a child may be the only alternative to an unnecessary escalation of the use of force or untested restraint tactics and may therefore be in the best interests of the child. In such circumstances, officers must implement the following:</i>	

			<p><i>Officers must take all reasonable steps to confirm the age of a subject prior to considering deployment of a Spit and Bite Guard.</i></p> <p><i>The vulnerability of the subject must be taken into consideration in the context of the threat to officers and other members of the public.</i></p> <p><i>Where a subject is confirmed as being under 18 (or is believed to be under 18), officers must consider and discount all other available options and tactics before a spit and bite guard is deployed. This includes options to aide de-escalation with the subject and, where practicable, an alternative to a Spit and Bite Guard, for example, good communication, donning additional personal protective equipment or placing the individual in a cell van and keeping under observation. Other tactics to consider are disengaging entirely from the subject for a period of time with due consideration given to the safety of yourself, your colleagues and members of the public, engagement with a parent/guardian or engagement with Social Services.”</i></p> <p>We continue to monitor the use of Spit and Bite Guards on children at the Service Accountability Panel (SAP).</p> <p>We view the Body Worn Video footage of each</p>	
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			deployment and provide a summary of the incident for discussion at SAP.	
<p>15. If an officer is aware the child is under 18 then the Guard should not be used under any circumstances. (Alternatively, where it is possible, only follow authorisation from a Superintendent.) If the Guard is used on a child, then the incident of this should be notified to the Police Ombudsman who should review the Body Worn Video.</p>	Not accepted		<p>We continue to examine the use of Spit and Bite Guards on children however, policy still allows for the use of the tactic on under 18s in certain circumstances.</p> <p>Deployments on children remain low:</p> <p>15 deployments on children/young people under 18 as follows:</p> <p>3 x 14 year olds (guard applied twice to one individual)</p> <p>3 x 15 year olds</p> <p>6 x 16 year olds (guard applied twice to two individuals)</p> <p>3 X 17 year olds (guard applied twice to one individual)</p> <p>With the re-application of the guard on four individuals, there have been 19 applications in total on children/young people.</p> <p>The Police Ombudsman has agreed to review every deployment of a Spit and Bite Guard on a child for a 12-month period beginning on 1 November 2022. PONI will also view the Body Worn Video footage of every deployment on a child during this period.</p> <p>Data shows that between 1 March 2020 and 18 October 2022, there were 1182 reports of spitting/biting. In 738 of these incidents where details were available, 81 involved</p>	

			a child/young person under 18. This equates to 10.97% of the reported incidents.	
19. Where an officer knows that someone has a mental health condition that could be exacerbated by the use of Spit and Bite Guards, particularly self-harm or suicide, then the Guard should not be used.	Accepted		<p>This is covered in policy and training as follows:</p> <p><i>If you are aware or believe that the subject has mental health or another debilitating condition, which the use of a Spit and Bite Guard could exacerbate, the presumption will be that a Spit and Bite Guard should not be used.</i></p> <p>Our revised training video also includes a section on the use of the tactic on vulnerable people with the following message:</p> <p><i>Officers should be mindful of other vulnerabilities or medical factors that may exist. These may include visual impairment, epilepsy, respiratory illness or symptoms related to Covid-19. This list is not exhaustive. Good communication with the subject and other relevant parties can help to identify any vulnerabilities or relevant medical factors.</i></p> <p><i>Officers should be aware that there may be situations where communication barriers exist between the officer and the subject. You may be dealing with people who are deaf or hard of hearing, people who have autism or those individuals for whom English is not their first language.</i></p> <p>We accept that officers should not use a Spit and Bite Guard when an assessment confirms the likelihood of</p>	

			<p>exacerbation. However, this will not always be possible as officers are operating in dynamic situations and are not mental health professionals. Therefore, whilst we will put safeguards in place where a vulnerability is known or immediately obvious, a Spit and Bite Guard may be deployed in other circumstances where the only alternative may be to employ physical restraint or an untested tactic using a makeshift alternative.</p> <p>We examine any encounters involving the use of a Spit and Bite Guard where officers have not activated Body Worn Video. We reviewed 2 incidents in July 2022 where officers explained that their devices had run out of power towards the end of a long shift. This appears to be an exception and there have been no further incidents of non-activation of the equipment.</p>	
<p>21. The Policing Board should consult with the Police Ombudsman, HMICFRS, CJINI and other inspection bodies on how best to implement this recommendation:</p> <ul style="list-style-type: none"> <li>• Every use of a Spit and Bite Guard on a child should be reviewed;</li> </ul>	<p>Accepted</p>		<p>We review every use of the guard on a child. In addition, immediate supervisors and an officer of at least Chief Inspector rank view the Body Worn Video (BWV) of every deployment on a child.</p> <p>We view the BWV footage of <b>every</b> deployment to assess compliance with policy and the need for continued use in individual cases. It is evident that despite being restrained, subjects do continue to spit at police and the public.</p>	

<ul style="list-style-type: none"> <li>• Every use of a Spit and Bite Guard on a person already in a police vehicle or police custody should be reviewed; Again need a specific comment.</li> <li>• Any use of a Spit and Bite Guard that occurs after a person is restrained and where officers can temporarily remove themselves to a safe distance should be reviewed;</li> <li>• The Human Rights Advisor should dip sample the BWVs of the use of Spit and Bite Guards over the second quarter of 2022 and report on his findings in October 2022;</li> <li>• An independent investigation and report on the reasons why members of one religious group are more likely to be subject to a Spit and Bite Guard than another; Advise that research will be tasked at PPDG.</li> </ul>			<p>The Service Accountability Panel will monitor the use of Spit and Bite Guards going forward. We continue to collate a daily return of deployments and maintain a spreadsheet showing data on age, gender and ethnicity. We add additional data to the spreadsheet if volunteered by an individual. This includes disability and community background We regularly gather statistics on spitting and biting incidents, the use of Spit and Bite Guards by District/Department/location as well as data on the 9 protected Section 75 groups, where known. Stage 7 of the Equality Impact Assessment is underway and involves assessing the impact of the use of Spit and Bite Guards on the 9 protected groups over a 12-month period (June 2022-July 2023).</p> <p>Between 1<sup>st</sup> November 2022 and 31<sup>st</sup> October 2022, we will refer all deployments of Spit and Bite Guards on children (under 18 years) to the Police Ombudsman for NI (OPONI) for review; this will include a review of relevant Body Worn Video (BWV) footage. We will review this referral process after 12 months.</p> <p>Communication from the Northern Ireland Office in late 2021 indicated that the Secretary of State for NI (SOSNI) was supportive of the introduction of legislation enabling</p>	
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<p>A complete review of the use of Spit and Bite Guards by PSNI should be conducted by the end of 2022. Advise that this will be considered post the decision at SMB in March.</p>			<p>community background monitoring. The current SOSNI has recently reviewed the case for legislative change and has declined to take this proposal forward.</p> <p>In the absence of legislative change, we are actively considering other means of progressing community background monitoring. In addition, an independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups.</p>	
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## Operational Recommendations

Recommendation	Status (accepted/not accepted)	R/A/G	Current Position	Comments NIPB
<p>4. A more detailed assessment of the law and the human rights requirements in relation to the use of Spit and Bite Guards should be set out in the Guidance and provided in the training of officers for their use and this should include the requirement to consider alternatives.</p>	<p>Accepted</p>		<p>The Human Rights requirement in respect of the use of Spit and Bite Guards was not adequately set out in Chapter 1 of the Conflict Management Manual. We have updated policy on the use of Spit and Bite Guards (Chapter 16) to reflect the views of the Board's HR advisor in this area by referencing our own Code of Ethics as follows:</p> <p><i>Article 4 of the PSNI Code of Ethics states:</i></p> <p><i>Police officers, in carrying out their duties, shall as far as possible apply non-violent methods before resorting to any use of force. Any use of force shall be the minimum appropriate in the circumstances and shall reflect a graduated and flexible response to the threat. Police officers may use force only if other means remain ineffective or have no realistic chance of achieving the intended result.</i></p> <p>All Personal Safety Programme (PSP) lessons incorporate crisis communication/de-escalation techniques. PSP training will include scenario-based training in the coming months where officers can put de-escalation training into practice.</p> <p>Data on the use of Spit and Bite Guards (since introduction) compared to other uses of force is as follows:</p>	



Period	Use of Force	Total number
16 <sup>th</sup> March 2020 – 31 <sup>st</sup> October 2022	Baton drawn only	<b>595</b>
	Baton drawn & used	<b>298</b>
	Irritant spray drawn only	<b>616</b>
	Irritant spray used	<b>619</b>
	Spit and Bite guard	<b>310</b>

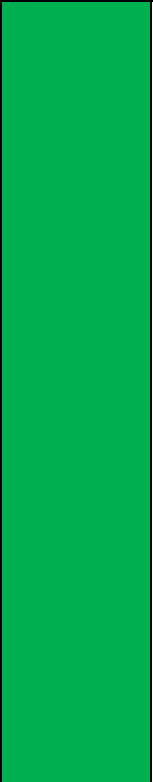
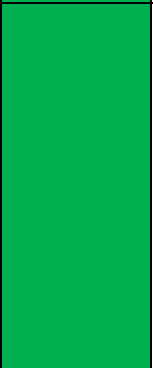
The use of Spit and Bite Guards is markedly less than other tactical options.

We undertook benchmarking of our use of Spit and Bite Guards with other UK forces of a comparable size in May 2022. (We are collating more up to date data in Dec 22)

Police Service	Number of deployments	Use on males	Use on females	Use on children
PSNI	247	208 (84.2%)	39 (15.8%)	18 (on 14 children) (7.3%)
West Yorkshire	913	718 (78.6%)	195 (11.4%)	73 (8.0%)
Merseyside	584	422 (72.3%)	162 (27.7%)	41 (7.0%)
West Midlands	1,064	845 (79.4%)	219 (20.6%)	57 (5.4%)

West Yorkshire update on 30 Sept 2022-1052 deployments, 812 males, 240 females, 82 children.

<p>5. The wording of the Guidance should be strengthened to deter any officer from using a Guard if they have not been recently trained to do so.</p>	<p>Accepted</p>		<p>Policy now states:  <i>..a subject wearing a Spit and Bite Guard MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit and Bite Guards. It is the responsibility of the officer applying the Spit and Bite Guard to ensure that the subject is always under the supervision of a trained officer/staff. If in doubt, ask a colleague if they are trained in the use of Spit and Bite Guards.</i></p> <p>We launched a revised training video in August 2022 incorporating recommendations from the Board's HR advisor and PONI. We are monitoring compliance and sending periodic reminders to all officers that the course is mandatory and replaces any previous Spit and Bite Guard training course.</p>	
<p>6. The Guidance should be strengthened to recognise the dangers illustrated by the Sussex case in regard to the use of PAVA and Spit and Bites Guards.</p>	<p>Accepted</p>		<p>We have updated our policy to include this excerpt from Sussex Police policy on the use of Spit and Bite Guards:  <i>"Where the Spit Guard is applied after the subject has been exposed to incapacitant spray there is the potential for the Spit Guard to `trap` the product against the face of the subject and lengthen the effects. Consideration should be given to the replacement of the contaminated Spit Guard with a new Spit Guard if continued use is required."</i></p>	
<p>7. The Guidance needs to reinforce the importance of the guard being single-use. This should also be reflected in the training videos and face-to-face learning.</p>	<p>Accepted</p>		<p>We reinforce this aspect of policy during PSP training. The revised training video and policy refer to the guard as a single-use item as follows:  <i>A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one.</i>  <i>If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one.</i>  <i>A Spit and Bite Guard must only be used on one subject and must never be applied to another person.</i></p>	

<p>10. An individual who has spat or bitten, but has since calmed down or is now unconscious, should not have the Guard reapplied and the Guidance should reflect this. The Guidance should also provide more detail on how to reassess the continuing need for the Guard and how long a Guard should typically stay on for.</p>	<p>Accepted</p>		<p>A guard will never be reapplied to an individual who has had the guard removed having calmed down and stopped spitting. An officer may reapply the guard if the individual begins to spit or bite again. Policy states: <i>Monitor the subject at all times. Make sure you constantly reassess the need for the Spit and Bite Guard and keep it in place only as long as necessary...Officers should also be mindful of the duration a Spit and Bite Guard is worn by the subject whilst travelling to and waiting at a Custody Suite. As with any use of force, it should only be used while it is necessary and a continual risk assessment should be carried out and the Spit and Bite Guard removed if appropriate... Where a Spit and Bite Guard has been placed on a subject within the custody suite for a period of 30 minutes, an officer of at least the rank of Inspector must be informed as soon as practicable. This officer will review the circumstances regarding the continued necessity for the Spit and Bite Guard.</i></p> <p>The online training video also advises officers: <i>As with any use of force, a Spit and Bite Guard should <b>only</b> be used while it is necessary, a continual risk assessment should be carried out and the guard removed if appropriate.</i></p> <p>The daily spreadsheet we use to monitor the use of Spit and Bite Guards now includes a section showing the length of time each Spit and Bite Guard remained on the subject.</p>	
<p>11. Where the Guidance refers to putting on gloves and PPE more emphasis needs to put on this as the first action to take if someone is spitting or biting, rather than using force and</p>	<p>Accepted</p>		<p>PSP training stresses that officers should consider wearing gloves due to the potential of transfer of bodily fluids. The revised training video shows officers in full PPE applying the Spit and Bite Guard to a detainee. This serves as a reminder that officers should consider PPE as an alternative to the application of a Spit and Bite Guard.</p> <p>Although it is desirable for officers to wear PPE as alternative to the application of a Spit and Bite Guard, in these circumstances it would need to be clinical grade PPE. Spitting and biting incidents are often dynamic and unexpected. Donning and doffing PPE in such circumstances would be impractical.</p>	

<p>applying a Guard. It is recommended that the Guidance and training reflects this and gives officers the practical training they need in moving away from the threat and putting on PPE. The Police Ombudsman also recommended that police circulate a reminder to all relevant officers / staff to remind them of their responsibility to wear Personal Protective Equipment and its importance.</p>				
<p>13. The Guidance should be reworded to reflect the fact that officers must give a prior warning stating that if the individual does not stop</p>	<p>Not accepted</p>		<p>We train officers to use the National Decision Model prior to engaging any use of force. PSP refresher training includes a lesson on the National Decision Model, which includes information on the use of effective communication skills in a conflict management situation. The range of communication models covered include LEAPS (Listen, Empathise, Ask, Paraphrase and Summarise), the Betari Box (my attitude and my behaviour affect your attitude and your behaviour) and the Five-Step Appeal (simple appeal – reasoned appeal – personal appeal – final appeal - action). The five-step appeal acts as a mediation tool to assist individuals to view the</p>	

<p>spitting, then they will apply the Guard.</p>			<p>situation with a fresh personal view from their own perspective. We have added a reference to the five-step appeal model to policy to re-inforce the de-escalation approach officers should take prior to using force:</p> <p><i>Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request.</i></p> <p>If the individual continues to spit/bite, officers give the following warning prior to applying a Spit and Bite Guard:</p> <p><i>Stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head.</i></p>	
<p>8. The previous training video for officers shows an individual actor subject to a Spit and Bite Guard who appears to be completely compliant. As a Spit and Bite Guard is a use of force and should be only be applied when 'absolutely necessary' the person to whom the Spit and Bite Guard is being applied is very likely to be actively resisting and/or being aggressive towards</p>	<p>Accepted</p>		<p>The Police Ombudsman for Northern Ireland also raised this point. The new online training video now depicts a non-compliant individual to ensure that training remains realistic.</p>	

<p>police. The training now appears to be unrealistic and needs updated.</p>				
<p>9. The training that officers receive on Spit and Bite Guards should be more comprehensive and repeated, at least, annually. It should be more extensive than the current training available and the implications of the use of force for human rights should be at the centre of such training.</p>	<p>Accepted</p>		<p>Online training remains a one-off training package. We launched the revised video in August 2022 and all eligible officers and staff are required to complete this new package. We provide District Commanders with weekly training compliance figures for their District. With every policy revision, we send a Service-wide notification for the information of officers and staff who carry Spit and Bite Guards. We re-inforce online training annually/bi-annually (depending on role) in PSP training during a 45-minute lesson with a practical scenario and revision of the policy which includes the section of policy pertaining to human rights. The College of Policing is reviewing PSP training for all forces with a desired emphasis on scenario-based training. We are moving to a more scenario-based model of training in 2023.</p>	
<p>14. The training and Guidance should give better Guidance to officers on how to effectively communicate to de-escalate the situation and to disengage safely. This training on de-escalation</p>	<p>Accepted</p>		<p>Officers use the five-step appeal (detailed above) as a de-escalation tool. We use the National Police Chiefs Council Personal Safety Manual as the basis for our PSP training. This means we are in line with other UK forces in terms of what we teach in relation to de-escalation and disengagement. Our Combined Operational Training colleagues advise that they currently run 2 or 3 PSP classes per day in 3 separate locations around the province. To include external agencies in the delivery of de-escalation training would be logistically impossible.</p>	

<p>and disengagement should reflect the examples from the other forces set out above, showing officers how to actively respond to a situation without using force. It is imperative that this training is detailed, in person and parts are delivered by those who are independent from PSNI, are professionally training in social work or related fields and play a vital role in de-escalating situations involving complex mental health crises. If de-escalation or disengagement is effectively used, this is the best way to protect the individuals from unnecessary uses of</p>				
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force and also protecting the officers.				
12. Neither the Human Rights Advisor nor the Policing Board have the expertise to develop detailed proposals for the vehicles or alternative equipment that might be needed keep both officers safe without the use of Spit and Bite Guards. The PSNI should therefore report on the options for safe travel for the some 0.6% of suspects that have currently to be transported wearing a Spit and Bite Guard.	Accepted		<p>We now have a policy regarding the tactical use of different vehicles when a subject has been arrested/detained, including the issue of transporting violent/aggressive prisoners in cell vans where available.</p> <p>We increased our number of available cell vans in 2022.</p>	
16. The PSNI should amend their use of force training package and general training on the use of force on children,	Accepted		<p>We address the rights of the child in our policy on the use of Spit and Bite Guards and more extensively in the revised online training package, which Board members have viewed.</p> <p>Every officer, as part of PSP training, undertakes training in de-escalation. Although there is no specific neurobiological element to the training, policy is clear in its position on the use of the guard</p>	



with specific reference to the use of Spit and Bite Guards, which should include:

- An explanation of children’s rights;
- A simple explanation of the issues of the development of the child and adolescent brain;
- How children are likely to react differently to situations than an adult; and
- A detailed focus on the heightened risks of Spit and Bite Guard use on children and young people.



on children. In addition, we train all student officers in neurodiversity as part of their student-training programme.

We offer all police officers training in Adverse Childhood Experiences (ACEs training). Three Districts have a vulnerability navigator in post who will pick up any vulnerability referrals from officers who may be concerned about an individual. We now also have Spit and Bite Guard deployments added to the custody record as part of the Custody Officer’s pre-release risk assessment. This will provide an opportunity to capture data on referrals offered to / accepted by the detainee.

To address the 4 points within this recommendation:

- Point 1: We refer to the rights of the child in policy and training as follows: *Special consideration should be given to the heightened vulnerabilities of children. Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) requires the best interests of children to be a primary consideration in all actions concerning children.*

When officers attend PSP training we make clear the definition of a child as being any person under the age of 18. Each lesson includes highlighting the need to exhaust all alternatives to using force on a child. Force should only be used as a last resort and proportionate to the level of threat and with consideration of the child’s welfare. We stress that the child’s wellbeing must be a priority in all decisions and actions that affect children, (Article 3 UNCRC). We emphasise that all children have the right to health, education, family life, play and recreation, an adequate standard of living and to be protected from abuse and harm in accordance with The United Nations Convention on The Rights of The

			<p>Child. This forms part of the initial opening lesson in PSP and forms part of discussions throughout the training day in all use of force scenarios.</p> <ul style="list-style-type: none"> <li>Points 2, 3 and 4: When officers complete Adverse Childhood Experiences (ACEs) training, there are specific sections on the development of the child and adolescent brain focussing on the impact of ACEs on cognisance, decision-making and reasoning. The training raises officer awareness and understanding of the impact of ACEs throughout the lifespan and identifies options for officers once they have identified ACEs. Understanding trauma and its impact on developmental processes helps us to respond more effectively in these circumstances. Through the training, we discuss the importance of early intervention and prevention strategies to help mitigate ACEs through a trauma-informed approach. We emphasise to officers that this is what any of us would wish for our children and young people and it is firmly rooted in the United Nations Convention on the Rights of the Child, (UNCRC). <p>We have added the following to policy: <i>In people under 20, the frontal lobe of the brain still developing. This regulates decision- making, impulse control and the ability to cope with stressful situations. Children are likely to react differently than adults to some situations. You may be dealing with a child who has experienced past trauma. Psychological damage is a real factor for vulnerable children who may have suffered abuse. Please be alert to this possibility when dealing with children.</i></p> </li> </ul>	
17. Any new Guidance should be subject to consultation with children	Accepted		Discussions are ongoing with relevant partners to work with young people through a series of youth reference, engagement and listening events.	

<p>themselves in addition to those organisations that act as advocates for them.</p>			<p>Going forward, our Strategic Partnerships and Prevention Branch will work with young people to consider matters such as Spit and Bite Guards, Stop and Search and other matters relevant to young people.</p>	
<p>18. The Guidance needs to be strengthened to include other medical factors, including autism and sensory issues. It also needs to help officers to deal with people who not only have such disabilities, but also those who have taken drugs or alcohol and are unable to act rationally. The training should also cover these issues and provide officers with detailed Guidance on how to recognise such issues and problems that are not always.</p>	<p>Accepted</p>		<p>Police officers and staff with an interest in neurodiversity have undertaken other initiatives recently. These include examining best practice in custody suites nationally and globally and devising a custody and autism toolkit, which forms part of mandatory custody training for all custody staff. We hope that this toolkit will become mandatory for all officers.</p> <p>We have informed officers and staff of the existence of awareness cards, which may be carried by vulnerable individuals. These include the JAM (Just a Minute) card, which allows people with a learning difficulty, autism or communication barrier to tell others they need 'Just A Minute' discreetly and easily; the Sunflower lanyard designed for those who have hidden disabilities and the Autism Awareness card. We incorporate these cards into practical lessons during student-officer training.</p> <p>A new custody suite has opened in Waterside specifically designed to reduce anxiety for vulnerable detainees. The suite has bigger windows to allow as much natural light in as possible and lighting that can be dimmed if required. There are also four vulnerable cells with LED screens to assist in communication with vulnerable detainees and exercise yards at the end of each cell wing which may be of great benefit when calming vulnerable people.</p> <p>As part of Stage 7 of the EQIA process (<i>Monitoring for adverse impact in the future and publication</i></p>	

			<p><i>of the results of such monitoring</i>) we are monitoring how many incidents relate to mental health/drugs/alcohol. PSP training includes scenarios where the subject is behaving irrationally due to one or more of these factors. Officers are encouraged to use good communication to de-escalate these situations.</p>	
<p>2. The PSNI should investigate why the statistics in relation to religion appear to demonstrate prima facie indirect discrimination contrary to domestic equality law and in relation to Article 14 of the European Convention of Human Rights.</p>	<p>Accepted</p>		<p>The data currently available to us concerning the use of Spit and Bite Guards indicates a potential difference of treatment between members of those groups. This data cannot be properly relied upon to support a finding of discrimination, prima facie or other. We understand the concerns raised by this data and will, as part of the process of ongoing review of policy and training, endeavour to obtain more reliable data and identify any measures which would provide greater understanding of the issues involved.</p> <p>Third sector groups with an interest in Spit and Bite Guards recognise that there are multi-faceted reasons for the seemingly disproportionate use of the tactic on members of the Catholic community. They also agree that we can only understand the reasons for this through partnership working with the DOJ, Education Authority and Health Trusts etc.</p> <p>Communication from the Northern Ireland Office in late 2021 indicated that the Secretary of State for NI (SOSNI) was supportive of the introduction of legislation enabling community background</p>	

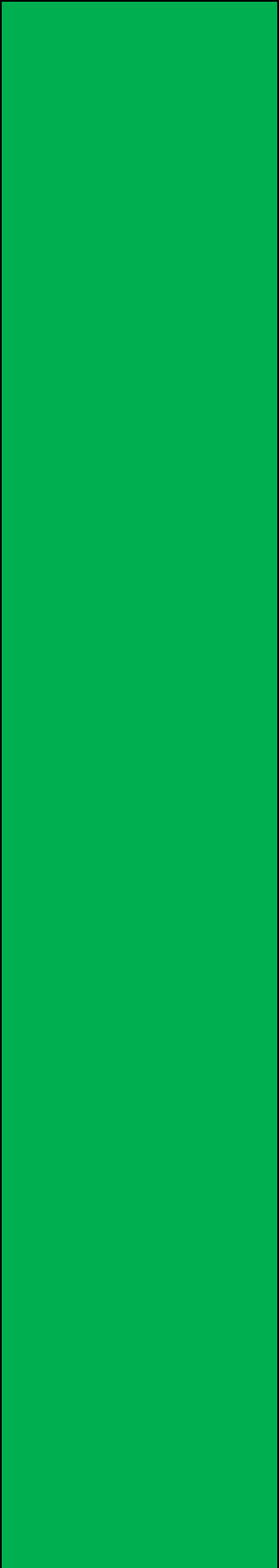
			<p>monitoring. The current SOSNI has recently reviewed the case for legislative change and has declined to take this proposal forward.</p> <p>In the absence of legislative change, we are actively considering other means of progressing community background monitoring. In addition, an independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups.</p>	
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## **Appendix B: Response to Police Ombudsman NI Recommendations of 2021**

In July 2021, the Police Ombudsman published a Review of PSNI's Use of Spit and Bite Guards. This review contained ten recommendations aimed at improving guidance to officers, promoting human rights and ensuring that officers deploy Spit and Bite Guards proportionately with regard to the safety of members of the public. The Chief Constable updated the Ombudsman on the progress of these recommendations during 2021. However, since we have made some significant changes to policy and training since 2021, we can now provide a further update. Each recommendation includes a RAG (Red/Amber/Green) status.

<b>No</b>	<b>Recommendation</b>	<b>Status (Red/Amber/Green)</b>	<b>Current Position</b>
<b>1</b>	Chapter 16 of the PSNI Manual of Policy, Procedure and Guidance on Conflict Management and the related training package should make it specifically clear that Body Worn Video MUST be activated by the officer deploying the Spit & Bite Guard. This will ensure the highest levels of transparency and accountability.		We have released a new version of the LEARN training video and completion is mandatory for all officers/staff eligible to carry a Spit and Bite Guard. We have updated Chapter 16 of the Conflict Management Manual as follows:

			<p><i>Body Worn Video (BWV) MUST be used when applying Spit and Bite Guards outside the custody suite. The custody suite is defined as the area inside the building which is covered by CCTV. It does not include the car park or vehicle dock. BWV must be activated by the officer/staff deploying the Spit and Bite Guard. BWV must remain activated for the duration of the deployment. Any encounters without a recording will require a reasoned explanation, which will need to be agreed by a supervisor.</i></p>
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<p><b>2</b></p>	<p>The Police Ombudsman also recommends that following deployment of a Spit &amp; Bite Guard, Body Worn Video should remain activated until either the SBG is removed or the person arrives in a Custody Suite. This will allow continuing transparency and accountability as well as enhancing the monitoring of the person when the SBG is in place, in line with Chapter 16.37 &amp; 16.40 of the PSNI Manual of Policy, Procedure and Guidance on Conflict Management.</p>		<p>The updated LEARN video is available and mandatory for officers and staff. Chapter 16 of the Conflict Management Manual has also been updated and now states that Body Worn Video <i>“must remain activated for the duration of the deployment. Any encounters without a recording will require a reasoned explanation which will need to be agreed by a supervisor.”</i> Operational &amp; Tactical Development Unit (OTDU) officers examine any encounters involving the use of a Spit and Bite Guard where officers have not activated Body Worn Video. We reviewed 2 incidents in July 2022 where officers explained that their devices had run out of power towards the end of a long shift. This appears to be an exception and there have been no further incidents of non-</p>
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			activation of the equipment.
3	<p>The Police Ombudsman therefore recommends that police provide detailed guidance regarding what is meant by 'single use' and this guidance should be communicated to all officers. Furthermore, police should consider updating the relevant training and practical examples of what 'single use' means should be outlined as part of officer training. These training and guidance updates should ensure that operational officers fully understanding the circumstances in which a new SBG should be applied.</p>		<p>The new LEARN training video and Chapter 16 of the Conflict Management Manual now state:</p> <p><i>A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one.</i></p> <p><i>If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one.</i></p> <p><i>A Spit and Bite Guard must only be used on one subject and must never be applied to another person.</i></p>

4	<p>The Police Ombudsman recommends that the PSNI provide detailed guidance regarding what is meant by the 'presumption' that a SBG will not be used on children and other vulnerable persons who have a mental health or another debilitating condition. This guidance should be communicated to all officers. Ultimately, it will be for the person applying the SBG to be responsible for justifying any operational decision they make regarding its deployment on a child or other vulnerable person. However, related police training, policy and guidance should give realistic, practical guidance on the manner and circumstances in which police officers can subject vulnerable groups, particularly children, to a Spit &amp; Bite Guard, while simultaneously respecting their human rights.</p> <p>Furthermore, police should consider updating the relevant training, with practical examples provided as part of the officer</p>		<p>The new version of the LEARN training video is now available to all officers. Chapter 16 Conflict Management Manual has also been updated in relation to children and vulnerable persons and states that <i>“where officers or staff are aware or believe that a member of the public is under 18 the presumption will be that a Spit and Bite Guard should not be used. This means that officers should, where possible, avoid using a Spit and Bite Guard on a person under the age of 18.”</i></p> <p>Personal Safety Programme (PSP) training will include scenario-based training in the coming months where officers will experience situations involving vulnerable people.</p> <p>Deployments of Spit and Bite Guards on children</p>

	<p>training. This will assist in providing greater understanding and clarity to officers as to the circumstances in which they can consider deploying a SBG on a child or other vulnerable person.</p> <p>This recommendation is particularly pertinent given that 2 of the last 3 deployments on children have been on 14 year olds. Therefore, it can no longer be said that the deployments have been at the upper definition of a 'child'.</p>		<p>are as follows (at 22 November 2022):</p> <p>15 deployments on children/young people under 18 as follows:</p> <p>3 x 14 year olds (guard applied twice to one individual)</p> <p>3 x 15 year olds</p> <p>6 x 16 year olds (guard applied twice to two individuals)</p> <p>3 X 17 year olds (guard applied twice to one individual)</p> <p>With the re-application of the guard on four individuals, there have been 19 applications in total on children/young people.</p>
<p><b>5</b></p>	<p>The Police Ombudsman recommends that police circulate a reminder to all relevant officers/staff to remind them of their relevant training in this area and the following sections of Chapter 16 of the PSNI Manual of Policy,</p>		<p>Upon receipt of this recommendation in 2021, we reminded all officers and staff of their obligation to complete the relevant training before using the Spit and Bite Guard. We have incorporated the points</p>

	<p>Procedure and Guidance on Conflict Management:</p> <ul style="list-style-type: none"> <li>• If the Spit and Bite Guard is not correctly secured it may rise over the face. (16:30)</li> <li>• Officers and Staff must have control of the subject with either mechanical or physical restraints prior to attempting to place the Spit and Bite Guard and it is recommended that they are handcuffed to the rear, this will ensure they cannot remove or adjust the Spit and Bite Guard once it has been applied. (16.34)</li> <li>• The Spit and Bite Guard should be removed from the back of the head to the front. (16.43)</li> </ul>		<p>regarding effective application of the Spit and Bite Guard and subject control into Personal Safety Programme training. We launched a revised training video in August 2022 incorporating recommendations from the Board’s Human Rights Advisor and PONI. We are monitoring compliance and sending periodic reminders to all officers that the course is mandatory and replaces any previous Spit and Bite Guard training course. We also provide District Commanders with weekly training compliance figures for their District.</p>
<p><b>6</b></p>	<p>The type of SBG currently used by the PSNI is the Spit Guard Pro. Further research should be considered in partnership other police services using the Spit Guard Pro in order to establish if there is any consistency to the concerns expressed with regards to finding the front of the</p>		<p>We found no issues among other users of the Spit Guard Pro in relation locating the front of the guard and the manufacturer has no plans to change the design. Officers are encouraged to familiarise</p>

	<p>guard. If relevant, consideration should then be given to liaising with the manufacturer in order to establish if any amendments can be made so that the front and back of the guard is made more easily distinguishable thereby making it more user friendly. Alternatively, the PSNI should consider the effectiveness of other SBGs currently used by other police services and law enforcement agencies. This recommendation is made within the context of the SBG currently being a temporary tactical option and therefore is cognisant that this recommendation may be dependent on current stock levels held by the PSNI.</p>		<p>themselves with the Spit and Bite Guard prior to using it operationally. Full instructions are shown on the LEARN training video available along with practical demonstrations on the Personal Safety Programme training course for officers and staff. Upon receipt of this recommendation, we sent an email to all supervisors encouraging them to let officers practice opening the package and finding the front of the guard during briefings.</p>
7	<p>The training video depicts a compliant person. In many real-life instances the person to whom the SBG has been applied, is actively resisting the application of the SBG and/or being aggressive towards police. The training video does not assist officers.</p> <p>The Police Ombudsman appreciates the circumstances in which police have had to</p>		<p>A new version of the LEARN training video is now available to all officers. This demonstrates how to apply a Spit and Bite Guard to both compliant and non-compliant persons. Training staff reinforce this in PSP training. We also reinforce the “single use”</p>

	<p>utilise on-line training. However, should the circumstances allow in relation to the pandemic, the Police Ombudsman recommends that SBG training should involve practical/face to face training which provides officers with the opportunity to apply a SBG to both compliant and non-compliant persons. This training could form part of the Personal Safety Programme (PSP) training. Furthermore, such training will allow instructors to provide information and practical experience regarding deployments as well as allowing officers to seek clarity/ask questions in a training environment regarding relevant areas such as 'single use' and the use of SBGs on vulnerable persons including children.</p>		<p>aspect of policy during PSP training. The revised training video and policy refer to the guard as a single-use item as follows:</p> <p><i>A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one.</i></p> <p><i>If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one.</i></p> <p><i>A Spit and Bite Guard must only be used on one subject and must never be applied to another person.</i></p> <p>In 2023, PSP training will move to a more scenario-based format to allow officers</p>
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			greater opportunity to practice applying and removing the guard.
8	<p>The Police Ombudsman recommends that police circulate a reminder to all relevant officers/staff to remind them of their obligations in accordance with PSNI instruction and training; that a 'subject' wearing a SBG MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit &amp; Bite Guards. As part of this reminder, the communication should include that it is the responsibility of the officer applying the SBG to ensure that they leave the 'subject' in the care of a trained officer.</p>		<p>We changed policy and training to reflect this recommendation as follows:</p> <p><i>It should be noted that a subject wearing a Spit and Bite Guard MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit and Bite Guards. It is the responsibility of the officer applying the Spit and Bite Guard to ensure that the subject is always under the supervision of a trained officer/staff. If in doubt, ask a colleague if they are trained in the use of Spit and Bite Guards. When a subject arrives in the Custody Suite the responsibility lies with the Custody Officer.</i></p>

			<p><i>Authorised Officers may be requested to deploy a Spit and Bite Guard on behalf of a colleague. They MUST ensure that the subject remains under their supervision until transferred into the care of a trained Police Officer/Civilian Detention Officer or the Spit and Bite Guard is removed.</i></p> <p>ACC Operational Support Department (OSD) reminded all officers of this point upon receipt of this recommendation.</p>
9	<p>The Police Ombudsman recommends that police circulate a reminder to all relevant officers/staff to remind them of their responsibility to wear Personal Protection Equipment and the importance of same. This will serve as a timely reminder to ensure that officers are protecting themselves, their colleagues and members of the public.</p>		<p>ACC OSD reminded officers and staff on 16/07/2021 of the requirement to wear suitable PPE when using the Spit and Bite Guard. PSP training stresses that officers should consider wearing gloves due to the potential of transfer of bodily fluids. The revised training video (August 2022)</p>



			<p>shows officers in full PPE applying the Spit and Bite Guard to a detainee. This serves as a reminder that officers should consider PPE as an alternative to the application of a Spit and Bite Guard.</p> <p>Although it is desirable for officers to wear PPE as alternative to the application of a Spit and Bite Guard, in these circumstances it would need to be clinical grade PPE. Spitting and biting incidents are often dynamic and unexpected. Donning and doffing PPE in such circumstances would be impractical.</p>
<p><b>10</b></p>	<p>The Police Ombudsman recommends that police circulate a reminder to all relevant officers/staff that the appropriate term for this use of force is 'Spit &amp; Bite Guard'. When an explanation is being provided this term should be used or Spit Guard for short. However, the term 'spit hood' should be avoided. In doing so,</p>		<p>We published an article on our internal information system in July 2021, which reinforced the message that the correct terminology is “guard”, not “hood”.</p>

	the officers will demonstrate their recognition of the potential sensitivities and perceived community concerns regarding the word 'hood'/'hooding' being used by police within the context of Northern Ireland.		
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**Appendix C: Policy on the Use of Spit and Bite Guards Chapter 16 Conflict Management Manual**

## Chapter 16

### Police Use of Spit and Bite Guards

#### What is a Spit and Bite Guard?

- 16.1 A Spit and Bite Guard is a breathable, mesh material garment that covers the face and head. This prevents the wearer from being able to assault officers, staff and members of the public by means of spitting, thereby reducing the potential of communicable/ contagious diseases. A Spit and Bite Guard will NOT prevent biting, but could lessen the degree of injury and contamination.

#### Who can apply a Spit and Bite Guard?

- 16.2 All Police Officers/Civilian Detention Officers applying a Spit and Bite Guard must complete the appropriate training prior to being issued with a Spit and Bite Guard by their Supervisor. This training is an online video which is available on 'LEARN'. Officers will also receive an initial physical input during Personal Safety Programme (PSP) training; however, the online training must be completed in addition to attendance at PSP.

#### Who can a Spit and Bite Guard be applied to?

- 16.3
- It can only be applied to 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.

## Vulnerability

- 16.4 “Vulnerability” is a term used to describe a person who is in need of special care, support or protection because of age, disability or risk of abuse or neglect.
- 16.5 The application of a Spit and Bite Guard on a subject is a use of force and must be recorded as such. Its use should be carefully assessed using the National Decision Model (NDM) and service policy. The justification for its use remains with the person applying it.
- 16.6 Careful consideration should be given to vulnerabilities. All available information and a clear rationale must be in place to ensure that it is proportionate, lawful, accountable and necessary in the circumstances.
- 16.7 It is essential to consider the vulnerability of a subject, this includes taking into account a subject’s age or mental health.
- 16.8 If you are aware or believe that the subject has mental health or another debilitating condition, which the use of a Spit and Bite Guard could exacerbate, the presumption will be that a Spit and Bite Guard should not be used.
- 16.9 Officers should be mindful of other vulnerabilities or medical factors that may exist. These may include visual impairment, epilepsy, respiratory illness or symptoms related to Covid-19. This list is not exhaustive. Good communication with the subject and other relevant parties can help to identify any vulnerabilities or relevant medical factors.

- 16.10 Officers should be aware that there may be situations where communication barriers exist between the officer and the subject. You may be dealing with people who are deaf or hard of hearing, people who have autism or those individuals for whom English is not their first language.
- 16.11 Consideration should be given to the potential for damage to hearing aids when a Spit and Bite Guard is being applied.

## Children

- 16.12 Special consideration should be given to the heightened vulnerabilities of children.
- In people under 20, the frontal lobe of the brain is still developing. This regulates decision-making, impulse control and the ability to cope with stressful situations. Children are likely to react differently than adults to some situations. You may be dealing with a child who has experienced past trauma. Psychological damage is a real factor for vulnerable children who may have suffered abuse. Please be alert to this possibility when dealing with children.
- 16.13 Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) requires the best interests of children to be a primary consideration in all actions concerning children.
- 16.14 **Where officers or staff are aware or believe that a member of the public is under 18 the presumption will be that a Spit and Bite Guard should not be used. This means that officers should, where possible, avoid using a Spit and Bite Guard on a person under the age of 18.**

- 16.15 It is recognised that there may be rare occasions when use on a person under 18 may be appropriate. In such circumstances, officers must implement the following.
- 16.16 Officers must take all reasonable steps to confirm the age of a subject prior to considering deployment of a Spit and Bite Guard.
- 16.17 The vulnerability of the subject must be taken into consideration in the context of the threat to officers and other members of the public.
- 16.18 Where a subject is confirmed as being under 18 (or is believed to be under 18), officers must consider and discount all other available options and tactics before a spit and bite guard is deployed. This includes options to aide de-escalation with the subject and, where practicable, an alternative to a Spit and Bite Guard, for example, good communication, donning additional personal protective equipment or placing the individual in a cell van and keeping under observation. Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request. Other tactics to consider are disengaging entirely from the subject for a period of time with due consideration given to the safety of yourself, your colleagues and members of the public, engagement with a parent/guardian or engagement with social services.
- 16.19 In all cases where a Spit and Bite Guard was deployed on a person under 18, officers must be able to demonstrate that it was absolutely necessary in the circumstances.
- 16.20 Between 1<sup>st</sup> November 2022 and 31<sup>st</sup> October 2023, Operational and Tactical Development Unit (OTDU) will refer all deployments of Spit and Bite Guards on children (under 18 years) to the Police Ombudsman for NI (OPONI) for review; this will include examination of relevant BWV footage. This referral process will be reviewed after 12 months.

- 16.21 Where a Spit and Bite Guard is deployed on a person under 18:
- Specific and additional rationale for the use on a child must be provided by the deploying officer in their formal use of force report (including how they considered and discounted other options);
  - The officer's supervisor and a local senior officer (at least Chief Inspector) will be obliged to view the related BWV;
  - Where the supervisor or local senior officer identify any concerns in terms of the deployment, PSD will be informed and will i) view the BWV and ii) assess if there are any arising discipline matters or any organisational learning;
  - A local senior officer (again at least Chief Inspector) will inform Social Services of the circumstances given that the incident has the potential to become an Adverse Childhood Experience (ACE).

### Where can a Spit and Bite Guard be used?

- 16.22 A Spit and Bite Guard can be used anywhere. Information on transportation and custody is outlined in 16.64 below.

### What should be considered prior to applying a Spit and Bite Guard?

- 16.23 PSNI Code of Ethics states: *Police officers, in carrying out their duties, shall as far as possible apply non-violent methods before resorting to any use of force. Any use of force shall be the minimum appropriate in the circumstances and shall reflect a graduated and flexible response to the threat. Police officers may use force only if other means remain ineffective or have no realistic chance of achieving the intended result.*

16.24 Officers and Staff should consider options to aide de-escalation with the subject and, where practicable, an alternative to a Spit and Bite Guard. This may include good communication, donning additional personal protective equipment or placing the subject in a cell van and keeping under observation. Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request. Officers may also consider disengaging entirely from the subject for a period of time with due consideration given to the safety of yourself, your colleagues and members of the public.

16.25 **COVID - 19** Officers/Civilian Detention Officers should be aware there is **an increased risk of respiratory distress in an individual who is already exhibiting distress, which can lead to hypoxia (reduced oxygen in the blood stream) and subsequently lead to behavioural disturbance due to 'air hunger'**. In this setting, the risk of positional asphyxia would be increased, leading to greater risk of adverse outcomes.

Police Officers/Civilian Detention Officers need enhanced awareness of the possibility of **Positional Asphyxia and Acute Behavioural Disturbance** particularly with regard to subjects who show signs and symptoms of Covid-19 or who may be suffering from Covid-19.

16.26 Due to religious and cultural considerations, turbans and other faith-related headwear should not be removed to accommodate the Spit and Bite Guard. If its application cannot be achieved, alternative tactical options should be considered.

16.27 Consideration should be given to removing jewellery, non-faith-related headwear and glasses that may interfere with the application as it may prevent the Spit and Bite Guard being removed quickly in the event of a medical emergency.

16.28 Consideration should be given to subjects who have been sprayed with CS



or PAVA as they may be suffering the effects of the irritant. Where the Spit and Bite Guard is applied after the subject has been exposed to irritant spray there is the potential for the Spit and Bite Guard to `trap` the product against the face of the subject and lengthen the effects. Consideration should be given to the replacement of the contaminated Spit and Bite Guard with a new Spit and Bite Guard if continued use is required.

- 16.29 A Spit and Bite Guard should not be used on subjects who are bleeding excessively from the mouth or nose or vomiting. In assessing the situation, if it can be judged that the bleeding can be easily managed using a paper tissue then it would be reasonable to use the Spit and Bite Guard as it is not likely to cause any respiratory impairment.

### **Application of a Spit and Bite Guard**

- 16.30 Body Worn Video (BWV) MUST be used when applying Spit and Bite Guards outside the custody suite. The custody suite is defined as the area inside the building which is covered by CCTV. It does not include the car park or vehicle dock. BWV must be activated by the officer/staff deploying the Spit and Bite Guard. BWV must remain activated for the duration of the deployment. Any encounters without a recording will require a reasoned explanation which will need to be agreed by a supervisor.
- 16.31 A Spit and Bite Guard can be applied to a standing, kneeling or prone subject as long as they are under control. As with all restraint tactics, officers are reminded of the dangers associated with Positional Asphyxia and Acute Behavioural Disturbance (ABD). See 16.54 below.
- 16.32 Prior to placing a Spit and Bite Guard on a subject, officers and staff

should, where practicable, warn the subject. This warning should give clear instructions, for example, “stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head”.

- 16.33 The officer applying the Spit and Bite Guard should remove it from the sealed plastic packet and check that it is clean and undamaged. The guard is a single-use item which must be discarded if it becomes damaged or soiled. Taking hold of the opening of the guard with both hands, stretch it to create the widest possible opening.
- 16.34 Approach the subject from a safe position, place the Spit and Bite Guard over the subject’s head and quickly pull downwards.
- 16.35 Keep your hands away from the subject’s eyes and mouth and, if practicable, wear protective gloves to avoid the risk of fluid transfer.
- 16.36 The elastic opening on the Spit and Bite Guard is sufficient to keep it in place and should not be pulled tighter or altered in any way.
- 16.37 Ensure that breathing is not restricted.
- 16.38 Check that its application is not causing any undue pressure around the subject’s neck.
- 16.39 Ensure that the subject’s nose and eyes are not interfered with by any elastic banding in the Spit and Bite Guard.
- 16.40 If the Spit and Bite Guard is not correctly secured it may rise over the face.
- 16.41 The dignity of the subject must be maintained at all times. Once the Spit and Bite Guard is in place, consideration should be given to removing the subject from public view to avoid unnecessary embarrassment.

## Subject Control and Care

- 16.42 Application of the Spit and Bite Guard requires sufficient officers working together to control the subject.
- 16.43 The Police Officers/Civilian Detention Officers applying the Spit and Bite Guard should, where practicable, be additional to the officers restraining the subject.
- 16.44 Officers and staff must have control of the subject with either mechanical or physical restraints prior to attempting to place the Spit and Bite Guard and it is recommended that they are handcuffed to the rear. This will ensure the subject cannot remove or adjust the Spit and Bite Guard once it has been applied.
- 16.45 Where practicable, a safety 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 and Bite 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.
- 16.46 In the event of an identified medical emergency such as asphyxiation, breathing difficulties, vomiting, head injury, loss of consciousness or if the subject is bleeding excessively from the mouth or nose, the Spit and Bite Guard should be removed immediately for an assessment to be made and medical aid given, where appropriate.
- 16.47 Subjects wearing the Spit and Bite Guard should be closely and

constantly monitored for any signs of asphyxiation or difficulty breathing (if so it should be removed immediately and medical aid given, where appropriate). This is imperative where it is suspected that the subject may be under the influence of drink and/or drugs, is suspected of having any mental health issues or is suspected of being in respiratory distress.

- 16.48 A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one.
- 16.49 If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one.
- 16.50 A Spit and Bite Guard must only be used on one subject and must never be applied to another person.
- 16.51 A Spit and Bite Guard should be disposed of as a biohazard and evidential notes made regarding the circumstances of removal.
- 16.52 Following a struggle, excessive exertion or where Acute Behavioural Disturbance is suspected, the subject may be less able to tolerate the Spit and Bite Guard and this should be taken into account by the officers. Officers are reminded of the dangers associated with Positional Asphyxia and Acute Behavioural Disturbance (ABD). See 16.54 below.
- 16.53 Monitor the subject at all times. Make sure you constantly reassess the need for the Spit and Bite Guard and keep it in place only as long as necessary.
- 16.54 If the subject vomits, remove the Spit and Bite Guard to prevent choking.

- 16.55 A subject wearing a Spit and Bite Guard should be supported to prevent them falling.
- 16.56 Removal of a Spit and Bite Guard should be done from a safe position. The Spit and Bite Guard should be removed from the back of the head to the front. If practicable, the subject should be asked to tilt their head forward when removing the Spit and Bite Guard to assist in containing any potential bodily fluids which may be within it. The officer/staff member removing the Spit and Bite Guard must ensure that the time it was removed is recorded in their police notebook or in the custody record.
- 16.57 On safe removal, any expelled liquid or material will be safely contained for hygienic disposal of the mask and its contents. You should use gloves as when handling any biohazard. The risks posed by the transfer of bodily fluids and blood-borne viruses from the subject to you are potentially very serious. All Spit and Bite Guards should be disposed of as a biohazard unless they are required as an evidential exhibit.

## **Positional Asphyxia and Acute Behavioural Disturbance**

- 16.58 These are two conditions identified as risks during arrest and restraint procedures which must be considered following the use of physical restraint and/or use of force on an individual.

### **16.59 Positional Asphyxia**

Positional Asphyxia is a form of asphyxia (a state of deficient supply of oxygen to the body that arises from abnormal breathing) which occurs when someone's position prevents the person from breathing adequately.

There is a risk of Positional Asphyxia when restraining a person (in prone restraint).

There is also a risk in a seated position pushed forward with the chest on or close to the knees, reducing the ability to breath. In simple terms, a subject can stop breathing (i.e. asphyxiate) because of the position they have been held in.

Positional Asphyxia is likely to occur when a subject is in a position that interferes with their inhalation and/or exhalation and they cannot move from that position. In relation to COVID-19, that causes severe respiratory distress and in severe cases, there is a possible increased risk of respiratory distress.

#### 16.60 **Acute Behavioural Disturbance**

When a subject exhibits confused, fearful, agitated, violent psychotic and/or aggressive behaviour, it is a spectrum from mild, to moderate, to severe. Not all signs may be present and to varying severity. There may be no signs exhibited if the subject is exhausted and close to collapse. Subjects with ABD are usually fearful, confused and paranoid. Intoxicated subjects are more likely to be aggressive and not paranoid. Historically, there have been various names for these symptoms - drug induced psychosis or excited delirium. This does not always mean ABD and vice versa. It is not a cause of death. It is an umbrella term for a collection of symptoms and behaviours. **The correct Police and NHS term is Acute Behavioural Disturbance (ABD).** These outdated terms should not be used when dealing with a subject suffering from ABD.

#### 16.61 **Officers and Staff should treat both these conditions as a medical emergency.**

- 16.62 Officers and Staff should read the further guidance on Positional Asphyxia and Acute Behavioural Disturbance which is contained in Appendix E Conflict Management Manual and available on POINT. This appendix also contains information on restraint techniques, monitoring, medical response and transportation of subjects.
- 16.63 Officers and staff should also make themselves aware of the LEARN online course 'Acute Behavioural Disturbance' which should be completed prior to attending mandatory PSP refresher training.

## Transportation and Custody

- 16.64 It should be noted that a subject wearing a Spit and Bite Guard MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit and Bite Guards. It is the responsibility of the officer applying the Spit and Bite Guard to ensure that the subject is always under the supervision of a trained officer/staff. If in doubt, ask a colleague if they are trained in the use of Spit and Bite Guards. When a subject arrives in the Custody Suite the responsibility lies with the Custody Officer.
- 16.65 Authorised Officers may be requested to deploy a Spit and Bite Guard on behalf of a colleague. They MUST ensure that the subject remains under their supervision until transferred into the care of a trained Police Officer/Civilian Detention Officer or the Spit and Bite Guard is removed.
- 16.66 Cell vans are the preferred method of transport for a subject who has a Spit and Bite Guard placed on them and should be used when available.

- 16.67 Officers must ensure that, if it is proposed to transport the subject in a cell van wearing the Spit and Bite Guard, the subject is kept under level 4 observation (close proximity). Further information regarding custody supervision levels are available on the Operational Custody Governance and Policy page which is available on POINT. Officers should also be mindful of the duration a Spit and Bite Guard is worn by the subject whilst travelling to and waiting at a Custody Suite. As with any use of force, it should only be used while it is necessary and a continual risk assessment should be carried out and the Spit and Bite Guard removed if appropriate.
- 16.68 A supervisor must be informed if the subject is not taken into custody but conveyed elsewhere. The custody officer must be informed of its use when the subject is booked in. Its continued use will be for the custody officer to authorise. Where a Spit and Bite Guard has been placed on a subject within the custody suite for a period of 30 minutes, an officer of at least the rank of Inspector must be informed as soon as practicable. This officer will review the circumstances regarding the continued necessity for the Spit and Bite Guard.
- 16.69 Where the subject comes into custody wearing a Spit and Bite Guard, the custody officer should routinely check for visible head injuries when it is removed.
- 16.70 All uses of Spit and Bite Guards within the custody area must be monitored by the custody officer who has ultimate responsibility for its continued use.
- 16.71 Spit and Bite Guards are not to remain on subjects when placed in a cell unless they are under Level 4 observation (close proximity). Once the Spit and Bite Guard is removed after the subject 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



- 16.72 The subject should not be handed over to a third party (such as Court transport) whilst wearing the Spit and Bite Guard.
- 16.73 In relation to the use of Spit and Bite Guards on looked-after children, Custody staff will engage with the child's appropriate adult/social worker in the custody suite and explain why a Spit & Bite Guard was deployed, show them a guard and respond to any queries arising. The looked-after child's social worker will be best placed to offer any aftercare they deem appropriate for the child.

## Reporting

- 16.74 Deployment of a Spit and Bite Guard is a use of force. A verbal report of any use of force must be made to your immediate supervisor as soon as practicable. An entry on the Electronic Use of Force Monitoring System must be completed as soon as practicable and, in any event, within 72 hours of the incident or by the termination of your **next** duty, whichever is sooner. If for any reason you cannot comply with this timeframe, then you should cite your reason or rationale for not doing so within the summary section of the electronic use of force form. Further reading on recording use of force is contained within Chapter 3 Conflict Management Manual. Deployment can be defined as placing the Spit and Bite Guard on the subject or when an attempt has been made to place on the subject but, for whatever reason, this has been abandoned.
- 16.75 Any incidents of spitting and/or biting towards staff and officers must be reported using the appropriate reporting systems regardless of whether or not a Spit and Bite Guard is deployed.

## Complaints

- 16.76 If the use of a Spit and Bite Guard causes serious injury, the emergency on-

call OPONI Senior Investigating Officer (SIO) must be contacted immediately on 07769974977 by a supervisor. Further information can be obtained in Service Instruction 0517 “Public Complaints and the role of the Police Ombudsman” which is available on POINT.