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

**Equality Impact Assessment (EQIA) Stage 7 Monitoring Report v1.3**

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# EXECUTIVE SUMMARY:

The Police Service Northern Ireland (PSNI) carried out an Equality Impact Assessment (EQIA) on the use of Spit and Bite Guards between November 2020 and June 2022. The EQIA considered the impact of the policy across the nine equality groups covered by Section 75 of the Northern Ireland Act 1998. These groups are:

Religious Belief

Racial / Ethnic Group

Political Opinion

Age

Gender

Marital Status

Sexual Orientation

Disability

People with dependants and those without

Where we identified differential impacts, the EQIA assessed whether that impact was adverse and considered mitigating measures or alternative policies to promote equality of opportunity.

In examining the data available within the EQIA and considering the views of respondents, the EQIA concluded in 2022 that the policy affects all Section 75 groups. In examining the data available within the EQIA and considering the use of Spit and Bite Guards in a post-Coronavirus environment, we identified that there is a potential greater impact on some groups, namely:

1. men
2. young people
3. people with a disability (including mental health)
4. members of the Catholic community

The final EQIA report on the use of Spit and Bite Guards is available on our website at [www.psni.police.uk](http://www.psni.police.uk) or by clicking this link: [EQIA Final Report](https://www.psni.police.uk/sites/default/files/2023-02/Equality%20Impact%20Assessment%20-%20Final%20Report%20-%20The%20use%20of%20Spit%20and%20Bite%20Guards%20by%20the%20Police%20Service%20of%20Northern%20Ireland%20%28V1.3%29.pdf).

This document relates to Stage 7 of the EQIA process- monitoring for adverse impact in the future and publication of the results of such monitoring. The document contains quantitative and qualitative data on the use of Spit and Bite Guards from June 2022-June 2023 on each of the equality groups. It also presents steps we have taken to mitigate adverse effects that may result from the use of the tactic.

# Background:

We introduced Spit and Bite Guards urgently in March 2020 to mitigate critical Health and Safety implications for officers and the wider community due to the Coronavirus pandemic and we conducted Section 75 screening within that context.

In November 2021, we launched an Equality Impact Assessment (EQIA) on the use of Spit and Bite Guards with particular comment invited on their use in a post-Coronavirus environment. The EQIA sought to highlight the effect of the policy of using Spit and Bite Guards on the Section 75 equality categories under Section 75 of the Northern Ireland Act:

As part of the EQIA process, we conducted a 12-week written consultation from 1st March 2021- 24th May 2021. The broad themes raised by respondents were:

* The use of Spit and Bite Guards should cease and officers and staff should wear appropriate PPE to counter assaults by spitting and biting
* The use of Spit and Bite Guards on children
* The use of Spit and Bite Guards on vulnerable people
* Non-compliance with Human Rights
* The introduction of Spit and Bite Guards without consultation
* The absence of medical evidence to support the use of Spit and Bite Guards

In June 2022, when our Strategic Management Board was satisfied that the appropriate, lawful policy was in place in relation to the safe application of Spit and Bite Guards and that aftercare processes were established, we decided to adopt Spit and Bite Guards as a permanent tactical option. Between the consultation period ending in May 2021 and the decision on the future of the tactic in June 2022, we continued to scrutinize our use of Spit and Bite Guards in line with the responses we received to the EQIA. Considering the responses to the EQIA between May 2021 and June 2022 led us to strengthen some areas of policy and training, particularly regarding the use of Spit and Bite Guards on children and other vulnerable people.

The continued use of Spit and Bite Guards is framed around robust policy, training and established mitigations. Such mitigations include considering alternatives to the application of a Spit and Bite Guard, particularly on higher risk groups, such as good communication; donning additional Personal Protective Equipment; de-escalation or disengagement; maximising the use of cell vans and using Body Worn Video in all encounters where application of a guard may be considered. We have established a new performance accountability framework under our Service Accountability Panel (details below), which will focus on all uses of force including the use of Spit and Bite Guards. Our policy on the use of Spit and Bite Guards is contained within our Conflict Management Manual. Please click on this link to access it: [Chapter 16 Spit and Bite Guards.pdf (psni.police.uk)](https://www.psni.police.uk/sites/default/files/2023-07/Chapter%2016%20Spit%20and%20Bite%20Guards.pdf)

The Service Accountability Panel:

The Service Accountability Panel (SAP) 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 around all Section 75 equality categories. 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 can 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 is a point of contact for oversight bodies submitting recommendations on the use of police powers and it works to identify any adverse differential impact those powers may have on the equality 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 Panel comprises District Superintendents and representatives from our Policing Powers Development and Operational and Tactical Development Units as well as 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, but they do 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.

We track our 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 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.

Monitoring and Engagement:

The Police Service has developed a system to monitor the impact of our Spit and Bite Guards policy on the relevant groups and sub groups within the equality categories (See **Stage 7 of the EQIA** 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.

The Police Service is committed to recording all uses of force. This document outlines how we gather and collate data on the nine Section 75 equality categories in respect of the use of Spit and Bite Guards. We published our monitoring arrangements and interim data on the Section 75 groups on our website in February 2023. Please click on this link to access the interim data: [EQIA Consultation Zone | PSNI](https://www.psni.police.uk/about-us/our-policies-and-procedures/equality-diversity-and-good-relations/eqia-consultation-zone).

We have continued our engagement with partners since the publication of the EQIA report in June 2022, particularly with those agencies who advocate for children and young people and other vulnerable people. We also held an information day at Garnerville on 25th October 2022 where we sought the views of stakeholders, including Amnesty International, the NI Commissioner for Children and Young People, the Committee on the Administration of Justice and the Children’s Law Centre, on the continued use of Spit and Bite Guards. The Chief Constable and/or ACC OSD have engaged with representatives from the following agencies since June 2022:

* The Children’s Law Centre
* Disability Action
* The NI Commissioner for Children and Young People
* The Police Ombudsman for Northern Ireland
* The Northern Ireland Policing Board
* External Reference Group members regarding the Service Accountability Panel
* The Equality Commission for Northern Ireland (ECNI)

We have remained transparent with our stakeholders throughout this process and we will continue to engage with partners during Stage 7 of the EQIA process and beyond.

The Northern Ireland Policing Board’s Human Rights Advisor has been very closely involved in the governance and accountability around Spit and Bite Guards since 2019. This provides an additional external layer of accountability to add to the robust internal measures in place.

We are acutely aware of the concerns raised by the use of Spit and Bite Guards. However, in the absence of an appropriate tactical option to deal with assaults by spitting/biting, physical restraint remains the only option when attempts at de-escalation have proved unsuccessful. In this respect, our assessment is that the continued use of Spit and Bite Guards offers the least injurious method of dealing with these egregious forms of assault.

We are satisfied that we have developed extensive training and operational guidance for our officers. We also have robust governance and accountability mechanisms in place to monitor the use of Spit and Bite Guards, including a performance accountability framework under our Service Accountability Panel, and their use will be the subject of ongoing assessment through this governance framework.

The Police Service’s Equality Scheme references our commitment to *ensuring our data monitoring arrangements and assessment process are sufficiently robust to identify any potential adverse impact in the delivery of the policy.* In line with this commitment, this report details the results of a 12-month monitoring period of the effect of the use of Spit and Bite Guards on the nine Section 75 equality categories.

# Stage 7 of the EQIA:

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 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 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:

1. Officer details
2. Name of subject
3. Age of subject
4. Gender of subject
5. Ethnicity of subject
6. Community background of subject
7. Any disability noted (we use the Equality Commission for NI definition of a disability:

*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.)*

1. Duration of application of the guard
2. If alcohol/drugs were a factor
3. If the incident was related to mental health
4. If the subject is married
5. If the subject has dependants
6. Details of the Officer/Staff applying the guard
7. District applied and where applied (street/police car etc.)
8. If Body Worn Video used activated
9. When the officer completed Spit and Bite Guard training
10. 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 weekly to Senior Management within the Service, District Commanders, our Professional Standards Department and Staff Associations.

How we capture data:

Our colleagues in the Northern Ireland Statistics and Research Agency (NISRA) collate, amongst other data, statistics on our use of force. They 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 including Spit and Bite Guards. These statistical reports contain data from the electronic use of force form that officers and staff complete when they use force. The reports detail the age, gender and ethnicity of the person on whom officers used force. These are the only equality categories we hold official data on.

We obtain data relating to the remaining equality 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. This is management information and not official data.

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

1. Religious Belief
2. Marital Status
3. Disability
4. 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:

1. Sexual Orientation
2. Political Opinion

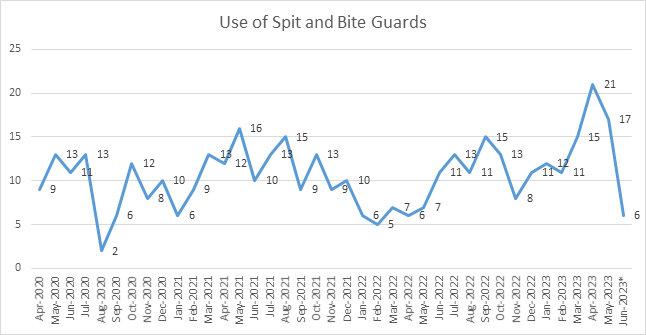
Whilst official statistics capture data on age, gender and ethnicity, we derived all the data presented in this report from management information. In other words, we sourced it from more than one system (custody records, incident logs etc.) and collated it manually on a daily basis. The different methodology and sources may result in slight differences between the management information presented here and any official statistics presented by NISRA in their published reports.

Following publication of this Stage 7 EQIA report, 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 equality categories. 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 equality group.

# Data on and analysis of the use of Spit and Bite Guards from March 2020-June 2023:

A Higher Police Analyst carried out the following analysis of our use of Spit and Bite Guards to date:

From 1 April 2020-11 June 2023, there have been 414[[1]](#footnote-1) reports of use of a Spit and Bite Guard by an officer or staff member (see graph below).



* 337 Spit and Bite Guards applied were applied on males, the remaining 77 were applied to females.
* Individuals ranged in age from 13 years to 74 years old. 30 applications were made on 22 individuals aged under 18. Of these, 20 were applied to male children. Six children have had the guard applied more than once.
* Spit and Bite Guards have been applied across all Districts with A District reporting the highest number 125, followed by E District with 57 deployments.
* A table of the full District breakdown is shown below:



* There have been 21.8 applications of Spit and Bite Guards per 100,000 population in Northern Ireland since their introduction[[2]](#footnote-2). Levels vary across Districts from 3.7 per 100,000 in C District to 36.5 per 100,000 population in A District.
* 87.9% of incidents were linked to drugs and alcohol prior to the application of the Spit and Bite Guard.
* 81% of incidents involved spitting, 3% involved biting and 11% involved both as reason for application.
* Data shows that 41% of incidents were linked to mental health.
* 66% of those who had a Spit and Bite Guard applied have been flagged[[3]](#footnote-3) as having a mental health issue.

Spitting and biting incidents:

Between 1st March 2020 and 11th June 2023 there were:

• 1511 reports affecting 1096 police staff who reported spitting/biting (1059 police officers and 37 Civilian Detention Officers).

• 40 reports where officers deemed the subject COVID-19 suspicious.

• 312 reports where injured parties may have absorbed saliva i.e. eyes, mouth.

The table below contains data on the use of Spit and Bite Guards on the Section 75 equality groups. The table shows the number of deployments on each group as well as the percentage of total deployments and covers 16 March 2020-14 June 2023. We do not hold data on political opinion or sexual orientation so these groups are not included. We have disaggregated data on ethnicity, age, marital status, disability and community background as far as possible. We examine the Section 75 groups in more detail later in this document.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Section 75 Grouping – 416 Spit and Bite Guard Applications** | | | | | | | |
|  | **Gender** | | | | | | | |
|  | Male | Female |  |  |  |  |  |  |
| Spit and Bite Guard Applications | 340 | 76 |  |  |  |  |  |  |
| % of Total Deployments | 81.7 | 18.3 |  |  |  |  |  |  |
|  | | | | | | | | |
|  | **Ethnicity** | | | | | | | |
|  | White | Black | Irish Traveller | Roma | Other |  |  |  |
| Spit and Bite Guard Applications | 396 | 7 | 5 | 3 | 5 |  |  |  |
| % of Total Deployments | 95.2 | 1.7 | 1.2 | 0.7 | 1.2 |  |  |  |
|  | | | | | | | | |
|  | **Age** | | | | | | | |
|  | 10-17 | 18-20 | 21-30 | 31-40 | 41-50 | 51-60 | 61-70 | 71-80 |
| Spit and Bite Guard Applications | 30 | 54 | 183 | 100 | 37 | 6 | 5 | 1 |
| % of Total Deployments | 7.2 | 13.0 | 44.0 | 24.0 | 8.9 | 1.4 | 1.2 | <1 |
|  | | | | | | | | |
|  | **Community Background** | | | | | | | |
|  | Roman Catholic | Protestant | Unknown / Other |  |  |  |  |  |
| Spit and Bite Guard Applications | 178 | 70 | 168 |  |  |  |  |  |
| % of Total Deployments | 42.8 | 16.8 | 40.4 |  |  |  |  |  |
|  | | | | | | | | |
|  | **Marital Status** | | | | | | | |
|  | Single | Married | Co-habiting | Separated | Divorced | Not known |  |  |
| Spit and Bite Guard Applications | 365 | 8 | 15 | 9 | 1 | 18 |  |  |
| % of Total Deployments | 87.7 | 1.9 | 3.6 | 2.2 | <1 | 4.3 |  |  |
|  | | | | | | | | |
|  | **Disability (Recorded on NICHE)** | | | | | | | |
|  | Mental Health | Physical | Learning | Autism | Sensory | More than one type of disability | Total |  |
| Spit and Bite Guard Applications | 69 | 13 | 15 | 4 | 1 | 7 | 109 |  |
| % of Total Deployments | 16.6 | 3.1 | 3.6 | 1.0 | <1 | 1.7 | 26.2 |  |
|  | | | | | | | | |
|  | **Dependants** | | | | | | | |
|  | Yes | No | Not known |  |  |  |  |  |
| Spit and Bite Guard Applications | 48 | 356 | 12 |  |  |  |  |  |
| % of Total Deployments | 11.5 | 85.6 | 2.9 |  |  |  |  |  |

**Comparable Data:**

The data below gives context to the use of Spit and Bite Guards when compared with the demographic profile of persons arrested between 2021/22and 2022/23 i.e. by age and gender. The following table shows number of arrests in 2021/22 and 2022/23 by age and gender; 6% of people arrested in 2020/21 were under 18 and 84% were male. 5% of people arrested in 2021/22 were under 18 and 83% were male. 5% of people arrested in 2022/23 were under 18 and 82% were male.

Arrests and population rates by age and gender 2021/22 and 2022/23

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Year** |  | **Arrests1** | | | |  |  | | |  | **Population rates2,3** | |
|  |  | **Gender** | | | | | | | | | | |
|  | **Age** | **Female** | **Male** | **Unknown** | **Total** |  | **Female (%)** | **Male (%)** | **Unknown (%)** |  | **Female** | **Male** |
| 2021/22 | Under 18 | 277 | 970 | 3 | 1,250 |  | 22 | 78 | 0 |  | 1 | 4 |
|  | 18-21 | 396 | 2,079 | 8 | 2,483 |  | 16 | 84 | 0 |  | 10 | 47 |
|  | 22-29 | 1,007 | 5,368 | 22 | 6,397 |  | 16 | 84 | 0 |  | 11 | 58 |
|  | 30-39 | 1,124 | 6,058 | 19 | 7,201 |  | 16 | 84 | 0 |  | 9 | 49 |
|  | 40-49 | 725 | 3,023 | 12 | 3,760 |  | 19 | 80 | 0 |  | 6 | 25 |
|  | 50+ | 498 | 2,271 | 3 | 2,772 |  | 18 | 82 | 0 |  | 1 | 7 |
|  | Unknown | 0 | 3 | 0 | 3 |  | 0 | 100 | 0 |  | - | - |
|  | **Total** | **4,027** | **19,772** | **67** | **23,866** |  | **17** | **83** | **0** |  | **4** | **21** |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| 2022/23 | Under 18 | 315 | 985 | 2 | 1,302 |  | 24 | 76 | 0 |  | 1 | 4 |
|  | 18-21 | 402 | 1,950 | 4 | 2,356 |  | 17 | 83 | 0 |  | 10 | 44 |
|  | 22-29 | 1,017 | 5,320 | 9 | 6,346 |  | 16 | 84 | 0 |  | 11 | 57 |
|  | 30-39 | 1,323 | 6,699 | 21 | 8,043 |  | 16 | 83 | 0 |  | 10 | 55 |
|  | 40-49 | 843 | 3,321 | 5 | 4,169 |  | 20 | 80 | 0 |  | 7 | 28 |
|  | 50+ | 569 | 2,589 | 10 | 3,168 |  | 18 | 82 | 0 |  | 2 | 8 |
|  | Unknown | 0 | 2 | 0 | 2 |  | 0 | 100 | 0 |  | - | - |
|  | **Total** | **4,469** | **20,866** | **51** | **25,386** |  | **18** | **82** | **0** |  | **5** | **22** |

1. Arrested and processed through police custody, based on the date first booked into custody.
2. The population rates relate to the number of arrests in the chosen age range per 1,000 of the population in the same age range.
3. Population rates are based on 2021 Mid-year population estimates

Tables 1 – 3 below show the gender, age and ethnicity of persons subject to the use of batons, irritant spray as well as Spit and Bite Guards during the financial years 2020/21 - 2022/23.

**Table 1: Gender of those individuals on whom force was used by type of force, 1 April 2020 – 31 March 2023 (1, 2, 3)**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  | **Total number** |
| Financial Year | Use of Force | Male | Female | Unknown | **Total** |
| 2020/21 | Baton drawn only | 87% | 7% | 6% | **100%** | **224** |
| Baton drawn & used | 92% | 8% | 0% | **100%** | **113** |
| Irritant spray drawn only | 93% | 7% | 1% | **100%** | **192** |
| Irritant spray used | 94% | 6% | 0% | **100%** | **205** |
| Spit and bite guard | 90% | 10% | 0% | **100%** | **112** |
| 2021/22 | Baton drawn only | 87% | 7% | 7% | **100%** | **215** |
| Baton drawn & used | 95% | 5% | 0% | **100%** | **120** |
| Irritant spray drawn only | 87% | 11% | 2% | **100%** | **241** |
| Irritant spray used | 97% | 2% | <1% | **100%** | **233** |
| Spit and bite guard(4) | 81% | 19% | 0% | **100%** | **125** |
| 2022/23 | Baton drawn only | 92% | 5% | 4% | **100%** | **222** |
| Baton drawn & used | 98% | 2% | 0% | **100%** | **101** |
| Irritant spray drawn only | 94% | 6% | 0% | **100%** | **279** |
| Irritant spray used | 95% | 5% | 0% | **100%** | **248** |
| Spit and bite guard | 77% | 23% | 0% | **100%** | **133** |

**Table 2: Age of those individuals on whom force was used by type of force, 1 April 2020 – 31 March 2023 (1, 2, 3)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Use of Force | 12  and under | 13-  17 | 18-  24 | 25-  34 | 35-  44 | 45-  54 | 55-  64 | 65+ | Unknown |  | **Total number** |
| Financial Year | **Total** |
|  |  |
| 2020/21 | Baton drawn only | <1% | 12% | 26% | 29% | 15% | 8% | 3% | <1% | 7% | **100%** | **224** |
| Baton drawn & used | 0% | 7% | 24% | 25% | 27% | 13% | 4% | 0% | 1% | **100%** | **113** |
| Irritant spray drawn only | 0% | 7% | 31% | 31% | 18% | 9% | 4% | 0% | 1% | **100%** | **192** |
| Irritant spray used | 0% | 1% | 23% | 38% | 22% | 11% | 4% | 0% | 0% | **100%** | **205** |
| Spit and bite guard | 0% | 7% | 32% | 40% | 13% | 4% | 4% | 0% | 0% | **100%** | **112** |
| 2021/22 | Baton drawn only | <1% | 4% | 25% | 36% | 14% | 12% | <1% | 0% | 8% | **100%** | **215** |
| Baton drawn & used | 0% | 3% | 32% | 39% | 20% | 4% | 1% | 0% | 1% | **100%** | **120** |
| Irritant spray drawn only | 0% | 4% | 19% | 35% | 24% | 12% | 2% | <1% | 2% | **100%** | **241** |
| Irritant spray used | 0% | 3% | 23% | 39% | 20% | 10% | 4% | 0% | 1% | **100%** | **233** |
| Spit and bite guard(4) | 0% | 8% | 26% | 42% | 18% | 6% | 0% | 2% | 0% | **100%** | **125** |
| 2022/23 | Baton drawn only | <1% | 8% | 27% | 31% | 18% | 5% | 2% | 0% | 8% | **100%** | **222** |
| Baton drawn & used | 0% | 10% | 21% | 43% | 22% | 3% | 2% | 0% | 0% | **100%** | **101** |
| Irritant spray drawn only | 0% | 6% | 20% | 39% | 22% | 8% | 4% | <1% | <1% | **100%** | **279** |
| Irritant spray used | 0% | 4% | 21% | 37% | 29% | 6% | 2% | <1% | <1% | **100%** | **248** |
| Spit and bite guard | 0% | 5% | 28% | 37% | 20% | 8% | 3% | 0% | 0% | **100%** | **133** |

**Table 3: Ethnicity of those individuals on whom force was used, 1 April 2021 – 31 March 2023 (1,2,3)**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Use of Force | White | Irish Traveller | Black | Unknown | Other Ethnic Group | Mixed | Asian | **Total** | **Total number** |
| 2020/21 | Baton drawn only | 94% | 2% | 1% | 1% | 1% | 0% | <1% | **100%** | **224** |
| Baton drawn & used | 89% | 4% | 4% | 2% | 2% | 0% | 0% | **100%** | **113** |
| Irritant spray drawn only | 96% | 3% | 0% | 1% | 1% | 1% | 0% | **100%** | **192** |
| Irritant spray used | 96% | 1% | 2% | 0% | <1% | 0% | <1% | **100%** | **205** |
| Spit and bite guard | 99% | 0% | 1% | 0% | 0% | 0% | 0% | **100%** | **112** |
| 2021/22 | Baton drawn only | 87% | 5% | 1% | 6% | <1% | <1% | 0% | **100%** | **215** |
| Baton drawn & used | 90% | 5% | 3% | 1% | 0% | 1% | 0% | **100%** | **120** |
| Irritant spray drawn only | 88% | 5% | 4% | 2% | <1% | 1% | 0% | **100%** | **241** |
| Irritant spray used | 91% | 3% | 2% | 1% | 0% | 3% | 0% | **100%** | **233** |
| Spit and bite guard(4) | 96% | 1% | 2% | 0% | 0% | 2% | 0% | **100%** | **125** |
| 2022/23 | Baton drawn only | 90% | 7% | 1% | 2% | 0% | 0% | <1% | **100%** | **222** |
| Baton drawn & used | 97% | 1% | 1% | 0% | 0% | 0% | 1% | **100%** | **101** |
| Irritant spray drawn only | 96% | 2% | 1% | 1% | <1% | 0% | 0% | **100%** | **279** |
| Irritant spray used | 93% | 3% | 2% | 0% | <1% | 0% | 1% | **100%** | **248** |
| Spit and bite guard | 92% | 2% | 1% | 2% | 2% | 1% | 0% | **100%** | **133** |

* The figures in Tables 1 – 3 do not represent the number of people who were subject to use of force, but rather how many times force was recorded by police officers, disaggregated by gender, age and ethnicity.
* Gender, age and ethnicity may be officer perceived.
* Percentage figures are rounded to the nearest integer and as a result may not sum to 100%.
* Following an audit of spit and bite guard (SBG) deployments, one record in April 2021 and one in June 2021 were each identified as being two distinct applications rather than one.  As a result, the number of uses of SBGs during 2021/22 has been revised from the previously published figure of 123 to 125.

The following table shows data on the use of Spit & Bite Guards by other UK Police Services by gender and on children from 1 April 2020- 31 March 2023:

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Police Service** | **Year** | **Total number of deployments** | **Use on males** | **Use on females** | **Use on Transgender** | **Use on children** | **Gender not recorded** | **Officers eligible to carry (approx)** |
| **PSNI** | 1st April 2020 – 31st March 2021 | 109 | 99 | 10 | 0 | 8 | 0 | 5,000 |
| 1st April 2021 – 31st March 2022 | 127 | 103 | 24 | 0 | 10 | 0 |
| 1st April 2022 – 31st March 2023 | 133 | 102 | 31 | 0 | 7 | 0 |
| **Totals** | **369** | **304** | **65** | **0** | **25** | **0** |
|  | | | | | | | | |
| **Northamptonshire** | 1st April 2020 – 31st March 2021 | 221 | 175 | 45 | 0 | 16 | 1 | 1,200 |
| 1st April 2021 – 31st March 2022 | 145 | 105 | 40 | 0 | 9 | 0 |
| 1st April 2022 – 31st March 2023 | 104 | 75 | 29 | 0 | 15 | 0 |
| **Totals** | **470** | **355** | **114** | **0** | **40** | **1** |
|  | | | | | | | | |
| **Cumbria** | 1st April 2020 – 31st March 2021 | 71 | 41 | 30 | 0 | 4 | 0 | 1,100 |
| 1st April 2021 – 31st March 2022 | 46 | 30 | 15 | 0 | 7 | 1 |
| 1st April 2022 – 31st March 2023 | 80 | 61 | 18 | 0 | 3 | 1 |
| **Totals** | **197** | **132** | **63** | **0** | **14** | **2** |
|  | | | | | | | | |
| **Greater Manchester** | 1st April 2020 – 31st March 2021 | 586 | 485 | 101 | 0 | 43 | 0 | 5,000 |
| 1st April 2021 – 31st March 2022 | 640 | 493 | 146 | 0 | 51 | 1 |
| 1st April 2022 – 31st March 2023 | 682 | 517 | 164 | 0 | 60 | 1 |
| **Totals** | **1,908** | **1,495** | **411** | **0** | **154** | **2** |
|  | | | | | | | | |
| **South Yorkshire** | 1st April 2020 – 31st March 2021 | 134 | 98 | 36 | 0 | 6 | 0 | 2,500 |
| 1st April 2021 – 31st March 2022 | 126 | 106 | 20 | 0 | 15 | 0 |
| 1st April 2022 – 31st March 2023 | 100 | 75 | 25 | 0 | 2 | 0 |
| **Totals** | **360** | **279** | **81** | **0** | **23** | **0** |
|  | | | | | | | | |
| **West Yorkshire** | 1st April 2020 – 31st March 2021 | 425 | 337 | 88 | 0 | 37 | 0 | 5,000 |
| 1st April 2021 – 31st March 2022 | 399 | 309 | 90 | 0 | 27 | 0 |
| 1st April 2022 – 31st March 2023 | 396 | 292 | 104 | 0 | 20 | 0 |
| **Totals** | **1,220** | **938** | **282** | **0** | **84** | **0** |
|  | | | | | | | | |
| **Staffordshire** | 1st April 2020 – 31st March 2021 | 27 | - | - | - | - | - | 1,700 |
| 1st April 2021 – 31st March 2022 | 55 | - | - | - | - | - |
| 1st April 2022 – 31st March 2023 | 49 | - | - | - | - | - |
| **Totals** | **131** |  |  |  |  |  |
|  | | | | | | | | |
| **Avon and Somerset** | 1st April 2020 – 31st March 2021[[4]](#footnote-4) | 266 | 209 | 57 | 0 | 21 | 0 | 2,600 |
| 1st April 2021 – 31st March 2022 | 417 | 324 | 91 | 0 | 24 | 2 |
| 1st April 2022 – 31st March 2023 | 377 | 273 | 102 | 1 | 36 | 1 |
| **Totals** | **1,060** | **806** | **250** | **1** | **81** | **3** |  |
|  | | | | | | | | |
| **South Wales** | 1st April 2020 – 31st March 2021 | 200 | 157 | 43 | 0 | 14 | 0 | 2,572 |
| 1st April 2021 – 31st March 2022 | 159 | 130 | 28 | 1 | 9 | 0 |
| 1st April 2022 – 31st March 2023 | 150 | 124 | 26 | 0 | 2 | 0 |
| **Totals** | **509** | **411** | **97** | **1** | **25** | **0** |
|  | | | | | | | | |
| **Cambridgeshire** | 1st April 2020 – 31st March 2021 | 129 | 102 | 25 | 2 | 15 | 0 | 1,600 |
| 1st April 2021 – 31st March 2022 | 86 | 57 | 29 | 0 | 16 | 0 |
| 1st April 2022 – 31st March 2023 | 114 | 65 | 45 | 0 | 34 | 4 |
| **Totals** | **329** | **224** | **99** | **2** | **65** | **4** |
|  | | | | | | | | |
| **Derbyshire** | 1st April 2020 – 31st March 2021 | 112 | 79 | 33 | 0 | 17 | 0 | 1,700 |
| 1st April 2021 – 31st March 2022 | 108 | 87 | 21 | 0 | 8 | 8 |
| 1st April 2022 – 31st March 2023 | 99 | 73 | 26 | 0 | 11 | 0 |
| **Totals** | **319** | **239** | **80** | **0** | **36** | **8** |

# Findings of monitoring the effect of the use of Spit and Bite Guards on the equality groups:

This monitoring report presents data from 16 March 2020 to 14 June 2023 in comparison with data presented in the EQIA report, which covered 16 March 2020 to 16 June 2022. We have presented data for those Section 75 categories we hold information on. This builds on data used within the EQIA Consultation Document in 2022. The content in this section is primarily ‘quantitative.’ We have detailed steps taken to mitigate any adverse effect of the use of Spit and Bite Guards later in this document.

* **Religious Belief:**

The table below shows the use of Spit and Bite Guards by religious belief/community background (16 March 2020-14 June 2023, based on 416 deployments):

|  |  |  |
| --- | --- | --- |
| **Community Background** | **Spit and Bite Guard applications** | **% of Total Deployments** |
| Roman Catholic | 178 | 42.8 |
| Protestant | 70 | 16.8 |
| Unknown | 151 | 36.3 |
| Refused | 9 | 2.2 |
| Muslim | 3 | <1 |
| Other | 5 | 1.2 |

The “unknown” category refers largely to those individuals in custody who are unfit to answer questions during the booking in process. The “refused” category refers to those individuals who decline to give their community background when asked. Detainees may also provide inaccurate information when asked about their community background.

There may be a significant impact on our data on religious belief from the “unknown” figure of 36.3%. If there is a trend towards individuals from one particular background towards this category, the proportionality could look entirely different and this is something we need to understand better. Hypothesis testing of what the “unknown” group contains would help in this area of apparent disproportionality and we are exploring the possibility of securing academic support to develop this testing. This will link in directly with the ongoing work we are doing on Community Background Monitoring in the area of Stop and Search (see below).

If we remove the “unknown and refused” categories and base the figures above on 256 deployments for the same period, the data is as follows:

|  |  |  |
| --- | --- | --- |
| **Community Background** | **Spit and Bite Guard applications** | **% of Total Deployments where Community Background is recorded** |
| Roman Catholic | 178 | 69.5 |
| Protestant | 70 | 27.3 |
| Muslim | 3 | 1.2 |
| Other | 5 | 2.0 |
|  | **256** | **100** |

Our available data on the use of Spit and Bite Guards by religious belief shows that we have used tactic more frequently against persons who identified their religion as Roman Catholic, than against persons who identified their religion as Protestant or as having no religion.

It is important to note that some reports refer to the same individual as officers applied more than one Spit and Bite Guard during the same incident. 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 our case management system. Since we do not formally record religious belief, we rely on a detainee volunteering this information in custody.

The Policing 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. We cannot properly rely upon this data 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. 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.

A key focus of our Service Accountability Panel is effective data collection and analysis relating to the equality categories. This will include an agreed means of recording data, with a particular focus on religious and community background data. Work is underway in the area of Stop and Search around how best to determine an individual’s community background.

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 equality groups. The Service Accountability Panel will explore this option going forward.

* **Racial/Ethnic Group:**

At 16 June 2023, the majority of individuals who had had a Spit and Bite Guard applied were recorded on Niche as white (396/416), five individuals were recorded as members of the Irish Travelling community, three as Roma, seven as Black and five individuals had no ethnicity recorded on Niche.

|  |  |  |
| --- | --- | --- |
| **Ethnicity** | **Spit and Bite Guard Applications** | **% of Total Deployments** |
| White | 396 | 95.2 |
| Black | 7 | 1.7 |
| Irish Traveller | 5 | 1.2 |
| Roma | 3 | 0.7 |
| Other | 5 | 1.2 |

From this monitoring data, it is concluded that the use of Spit and Bite Guards impacts differentially / adversely on people whose racial group is white.

* **Political Opinion:**

We do not record data or make assumptions on political opinion.

* **Age:**

The table below shows the use of Spit and Bite Guards by age (16 March 2020-14 June 2023):

|  |  |  |
| --- | --- | --- |
| **Age range** | **Spit and Bite Guard Applications** | **% of Total Deployments** |
| 10 – 17 | 30 | 7.2 |
| 18 – 20 | 54 | 13.0 |
| 21 – 30 | 183 | 44.0 |
| 31 – 40 | 100 | 24.0 |
| 41 – 50 | 37 | 8.9 |
| 51 – 60 | 6 | 1.4 |
| 61 – 70 | 5 | 1.2 |
| 71 – 80 | 1 | <1 |

We have deployed Spit and Bite Guards more frequently to individuals in the 21-30 year age group. This is reflective of the individuals coming through the Criminal Justice system.

Deployments of Spit and Bite Guards on children (under 18) remains low. There have been 30 applications on 22 children as follows, balanced against 417 overall deployments at 16 June 2023:

Breakdown of deployments on children by age since 16th March 2020,

1 x 13 year old

3 x 14 year olds (4 applications)

4 x 15 year olds (6 applications)

8 x 16 year olds (11 applications)

6 x 17 year olds (8 applications)

Spit and Bite Guards have been deployed 22 children with more than one application on some children resulting in 30 applications altogether. Multiple applications occur if the individual dislodges the Spit and Bite Guard or if officers have removed it and the individual begins to spit or bite again. Seven of these were looked after children at the time of application.

Data shows that between 1 March 2020 and 11 June 2023, there were 1512 reports of spitting/biting. In 940 of these incidents where details were available, 174 involved a child/young person under 18. This equates to 11.5% of the reported incidents.

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.

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. As part of their review, PONI staff watch the Body Worn Video footage of Spit and Bite Guard applications on children. We will meet with PONI in November 2023 to review this referral process.

Further Engagement with Young People:

We launched our Children and Young People (CYP) Strategy at an event on 13th June 2023. Prior to this event, we engaged with young people and their advocacy groups, as well as with statutory partners who have a remit for children and young people. Staff from our Strategic Partnerships Branch will continue to meet with a range of young people along with staff from NICCY, Include Youth, YJA, Alternatives, NI Youth Forum and NI Youth Assembly to develop plans for further engagement opportunities. The Strategy will see a series of Reference Engagement and Listening events we will host for young people and their advocates. This will culminate in a Young Person’s Conference later this year. Matters such as the use of Spit and Bite Guards, Stop and Search etc. will be open for discussion at this conference.

The CYP Strategy takes account of our responsibilities as outlined in the UN Convention on the Rights of the Child and aims to build on the many circumstances where children and young people have contact with police. We want to work with our partner agencies to develop a greater understanding of the needs of children and young people and to encourage more meaningful relationships by building greater trust and confidence.

Our Code of Ethics underpins our commitment to the CYP Strategy and sets out standards of behaviour and conduct the public have a right to expect from police officers. Article 6 of the Code of Ethics concerns “Equality”:

*6.1 Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public*

*6.2 Equality: In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability,* ***age****, sexual orientation, marital or family status, property, birth or any other status.*

* **Gender:**

The table below shows deployments of Spit and Bite Guards by gender:

|  |  |  |
| --- | --- | --- |
| **Gender** | **Spit and Bite Guard Applications** | **% of Total Deployments** |
| Male | 340 | 81.7 |
| Female | 76 | 18.3 |

We have deployed Spit and Bite Guards more frequently on male members of the public.

* **Marital status**

We do not formally record data on marital status. A manual trawl of our Case Management System shows that the majority of people who had a Spit and Bite Guard applied were single:

|  |  |  |
| --- | --- | --- |
| **Marital Status** | **Spit and Bite Guard Deployments** | **% of Total Deployments** |
| Single | 365 | 87.7 |
| Married | 8 | 1.9 |
| Co-habiting | 15 | 3.6 |
| Separated | 9 | 2.2 |
| Divorced | 1 | <1 |
| Not Known | 18 | 4.3 |

* **Sexual orientation**

We do not formally record data on sexual orientation.

* **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 June 2023, 26.2% of all deployments (total 416) were on individuals with a disability. Of the total deployments, 16.6% related to people with a mental health disability.

In monitoring the use of Spit and Bite Guards for Stage 7 of this EQIA, we obtained figures on disability from custody records. The detained person may have supplied this information or the Custody Sergeant recorded a disability based on their perception or previous knowledge of the detainee. We disaggregated any figures on disability obtained into type of disability where possible. This includes mental health disabilities. We did not consider detainees solely under the influence of drink or drugs in these figures:

|  |  |  |
| --- | --- | --- |
| **Subject with Disability (recorded on NICHE)** | **Spit and Bite Guard Deployments** | **% of Total Deployments** |
| N | 307 | 73.8 |
| Y | 109 | 26.2 |
| **Type of Disability recorded** | |  |
| Mental Health | 69 | 16.6 |
| Physical | 13 | 3.1 |
| Learning | 15 | 3.6 |
| Autism | 4 | 1.0 |
| Sensory | 1 | <1 |
| More than one of Mental Health/Learning/Physical | 7 | 1.7 |

Our policy and training video on the use of Spit and Bite Guards contain comprehensive sections on “Vulnerability”. We take vulnerability to describe a person who is in need of special care, support or protection because of age, disability or risk of abuse or neglect. When examining disability as part of the broader definition of vulnerability, both sections of policy and training 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 (Appendix B), officers should consider the subjects condition or suspected condition prior to applying a Spit and Bite 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.

* **People with dependants and those without**

We do not formally record data relating to people with dependants and those without. A manual trawl of our Case Management System shows that the majority of people who had a Spit and Bite Guard applied did not have dependants:

|  |  |  |
| --- | --- | --- |
| **Subject with Dependants** | **Spit and Bite Guard Deployments** | **% of Total Deployments** |
| Yes | 48 | 11.5 |
| No | 356 | 85.6 |
| Not known | 12 | 2.9 |

# Conclusions of the monitoring process:

In examining the data on the use of Spit and Bite Guards from March 2020-June 2023, we can conclude that a potential adverse impact may arise from the use of Spit and Bite Guards environment on the following groups:

* 1. Men
  2. People whose ethnicity is white
  3. Adults in the 21-30 year age group
  4. People with a disability (including mental health)
  5. Members of the Catholic community

Since the introduction of Spit and Bite Guards in 2020, we have taken significant steps to mitigate any adverse effect of their use on all equality groups. We have detailed these steps in the table below (“Mitigation by Equality Group”).

Going forward, monitoring practices already in place will continue:

* Daily collation of statistics on the use of Spit and Bite Guards
* Particular scrutiny if a Spit and Bite Guard has been used on a child to include an examination of the Body-Worn Video relating to the incident
* A bi-annual report on the Use of Force by PSNI (including Spit and Bite Guards) presented to the Policing Board NI and an annual Use of Force report published externally
* Regular reviews of our policy on the Use of Spit and Bite Guards which will continue to evolve as future recommendations are considered
* Attendance at the National Self-Defence, Arrest and Restraint Group which examines advances in technology and techniques relating to all uses of force, including Spit and Bite Guards
* Benchmarking the use of Spit and Bite Guards by PSNI with other UK forces
* The Service Accountability Panel will consider all data relating to spitting and biting incidents and the circumstances of each use of a Spit and Bite Guard on a child

Our policy on the use of Spit and Bite Guards 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 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 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 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.

We 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.

Where there are lesson points to note arising from the review of every use of a Spit and Bite Guard, we encapsulate them promptly into policy and training documentation.

The Office of the Police Ombudsman for Northern Ireland (PONI) advise that since the introduction of Spit and Bite Guards in March 2020, they have received four complaints relating to the application of Spit and Bite Guards. They closed three of these complaints due to non-cooperation/duplicate/unsubstantiated complaint. One complaint from November 2022 remains open. To date, PONI have not made any recommendations to the Public Prosecution Service or our own Professional Standards Department relating to these complaints.

In line with Equality Commission guidance, we will consider all monitoring and review evidence on an annual basis and publish a report on our website to inform an assessment of the actual impact of the policy across the nine Section 75 groups. 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 equality group.

# Mitigation by Equality Group:

|  |  |
| --- | --- |
| **Equality Group** | **Mitigation** |
| Religious Belief | * 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 equality groups. Our Service Accountability Panel will take forward work on effective data gathering in relation to community background. * We require officers to work within the parameters of our Code of Ethics which state:   *In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or family status, property, birth or any other status.*   * We train our officers to consider the National Decision Model in all encounters where they will obtain all relevant information available before formulating a working strategy responding to specific circumstances. * Officers capture all deployments of a Spit and Bite Guard on Body Worn Video and the deploying officer carefully documents their rationale for deployment. |
| Racial / Ethnic Group | * Our policy on the use of Spit and Bite Guards instructs officers to be aware of religious and cultural considerations when deploying a Spit and Bite Guard:   *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.*   * We train our officers to consider the National Decision Model in all encounters where they will obtain all relevant information available before formulating a working strategy responding to specific circumstances. * Our Code of Ethics sets out standards of behaviour and conduct which the public have a right to expect the Police Service in providing a professional service: * *Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public* * *In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or family status, property, birth or any other status.* |
| Political Opinion | * We never ask for data on political opinion * In all interactions, our officers are bound by our Code of Ethics which states:   *Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public*  *In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or family status, property, birth or any other status.* |
| Age | * We have strengthened our policy on the use of Spit and Bite Guards on children to take account of the inherent vulnerabilities linked to age:   *It is essential to consider the vulnerability of a subject, this includes taking into account a subject’s age or mental health.* ***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.***   * Officers must consider and discount all other available options and tactics before deploying a Spit and Bite Guard on a child. These include 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 (see below) as a means of final approach in cases of resistance whereby they give individuals every chance to comply. Other tactics to consider are disengaging entirely from the subject with due consideration given to the safety of the officer, their colleagues and members of the public, engagement with a parent/guardian or engagement with Social Services. * We train officers to use the National Decision Model prior to engaging any use of force. Our 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. * Every officer, as part of PSP training, also 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 on children. In addition, we train all student officers in neurodiversity as part of their student-training programme. * We have outlined additional measures that must be in place if a Spit and Bite Guard is used on a child: * *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 Body Worn Video;* * *Where the supervisor or local senior officer identify any concerns in terms of the deployment, Professional Standards Department will be informed and will i) view the Body Worn Video 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).* * 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 or accepted by the detainee. * Between 1st November 2022 and 1 November 2023, we are referring all deployments of Spit and Bite Guards on children (under 18 years) to the Police Ombudsman for NI (OPONI) for review; this includes a review of relevant Body Worn Video (BWV) footage. We will review this referral process after 12 months. * We provided the Northern Ireland Policing Board with a review of the use of Spit and Bite Guards in January 2023, which focussed particularly on the use of the tactic on children. ACC OSD will present the second bi-annual report to the Board in September 2023. * 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 clarify 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. Officers should only use force as a last resort and the force should be proportionate to the level of threat and consider 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 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. * 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 provides 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). * We have added the following reference to brain development to our policy on the use of Spit and Bite Guards:   *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.*   * We launched the Children and Young People’s Strategy in June 2023. The Strategy will see a series of Reference Engagement and Listening events we will host for young people and their advocates. This will culminate in a Young Person’s Conference later this year. Matters such as the use of Spit and Bite Guards, Stop and Search etc. will be open for discussion at this conference. * 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. 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. * The Service Accountability Panel provides governance for the use of Spit and Bite Guards. Data relating to the use of Spit and Bite Guards on children and other vulnerable people is a particular focus for this governance framework. * We refer every use of a Spit and Bite Guard on a child to the PONI on-call investigator for review. This practice will continue until November 2023 when we will review the arrangement with PONI. * Details of our Service Vulnerability Strategy are under “Disability” below. We acknowledge in our Service Instruction on the Use of Spit and Bite Guards that a person can be vulnerable by age as well as disability: “*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.* |
| Gender | * Officers consider subject impact factors in all decisions relating to the use of force. This includes the consideration of a person’s gender. The majority of deployments of Spit and Bite Guards are on males as the majority of spitting and biting incidents are attributable to males. * Body Worn Video must be activated for every Spit and Bite Guard deployment and remain activated for the duration of the deployment. A recent Body Worn Video pilot required supervisors to examine all uses of force captured on Body Worn Video. We are taking forward recommendations from this pilot, which include informed dip sampling by line managers to ensure that any use of force is proportionate, lawful, accountable and necessary in the circumstances. * We train officers to use the National Decision Model prior to engaging any use of force. |
| Marital Status | * We do not formally record data on marital status. * Officers are bound by our Code of Ethics in all interactions with the public:   *Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public*  *In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or family status, property, birth or any other status.* |
| Sexual Orientation | * We never ask for data on sexual orientation * In all interactions, our officers are bound by our Code of Ethics which states:   *Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public*  *In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or family status, property, birth or any other status.* |
| Disability | * We recently updated our Service Procedure on Vulnerability to define a vulnerable person as follows:***“a person is vulnerable if, as a result of their situation or circumstances, they are unable to take care of or protect themselves or others from harm or exploitation”*.** This new definition effectively broadens how we assess a person as being vulnerable, and brings us into line with UK- wide definitions of vulnerability. Our approach to vulnerability, working with other professionals and the community as a whole, is to ensure that we provide the correct support to those who are vulnerable, to affect the safe recovery of vulnerable people who go missing, to investigate criminal offences committed against those who are vulnerable and to gather evidence that may be later used in court. We are developing a Service Vulnerability Strategy that will align with the UK National Vulnerability Action Plan and quantify how we can respond to vulnerability. It will be supported by aide memoires that should help focus officers and staff to think from a trauma- informed perspective about what defines a vulnerability, how to respond to it & how to use an investigative and/or problem solving mind-set when engaging with a vulnerable person. * 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.*   * 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. * 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. * 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 they can dim 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. * As well as considering individuals with mental health issues, our policy instructs officers to consider physical impairments or other vulnerabilities that are not visible but that may become apparent if they communicate well with the individual who is spitting/biting:   *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. 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. Consideration should be given to the potential for damage to hearing aids when a Spit and Bite Guard is being applied.*   * As part of this Stage 7 of the EQIA process (*Monitoring for adverse impact in the future and publication of the results of such monitoring)* 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. |
| People with dependants and those without | * We do not formally record data relating to people with dependants and those without. * In all interactions, our officers are bound by our Code of Ethics which states:   *Police officers shall act with fairness, self-control, tolerance and impartiality when carrying out their duties. They shall use appropriate language and behaviour in their dealings with members of the public*  *In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, marital or* ***family status****, property, birth or any other status.* |

# Appendix A: Policy on the Use of Spit and Bite Guards:

Chapter 16

**Police Use of Spit and Bite Guards**

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

* 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?**

* 1. 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?**

* 1. • 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**

* 1. “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.
  2. 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.
  3. 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.
  4. It is essential to consider the vulnerability of a subject, this includes taking into account a subject’s age or mental health.
  5. 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.
  6. 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.
  7. 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.
  8. Consideration should be given to the potential for damage to hearing aids when a Spit and Bite Guard is being applied.

**Children**

* 1. 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.

* 1. 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.
  2. **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.**
  3. 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.
  4. Officers must take all reasonable steps to confirm the age of a subject prior to considering deployment of a Spit and Bite Guard.
  5. The vulnerability of the subject must be taken into consideration in the context of the threat to officers and other members of the public.
  6. 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.
  7. 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.
  8. Between 1st November 2022 and 31st October 2023, all deployments of Spit and Bite Guards on children (under 18 years) will be reviewed by the Police Ombudsman for NI (OPONI); this will include examination of relevant BWV footage. This referral process will be reviewed after 12 months.
  9. Following the deployment of a Spit and Bite Guard on a person under the age of 18 the emergency on-call OPONI Deputy Senior Investigating Officer (DSIO) must be contacted immediately by a supervisor.
  10. 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?**

* 1. 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?**

* 1. 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.*
  2. 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.
  3. **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.

* 1. 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.
  2. 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.
  3. 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.
  4. 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**

* 1. 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.
  2. 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.
  3. 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”.
  4. 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.
  5. Approach the subject from a safe position, place the Spit and Bite Guard over the subject’s head and quickly pull downwards.
  6. Keep your hands away from the subject’s eyes and mouth and, if practicable, wear protective gloves to avoid the risk of fluid transfer.
  7. 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.
  8. Ensure that breathing is not restricted.
  9. Check that its application is not causing any undue pressure around the subject’s neck.
  10. Ensure that the subject’s nose and eyes are not interfered with by any elastic banding in the Spit and Bite Guard.
  11. If the Spit and Bite Guard is not correctly secured it may rise over the face.
  12. 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**

* 1. Application of the Spit and Bite Guard requires sufficient officers working together to control the subject.
  2. The Police Officers/Civilian Detention Officers applying the Spit and Bite Guard should, where practicable, be additional to the officers restraining the subject.
  3. 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.
  4. 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.
  5. 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.
  6. 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.
  7. 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.
  8. 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.
  9. Every deployment of a Spit and Bite Guard requires a Use of Force submission. This includes every application of a fresh Spit and Bite Guard as a replacement, regardless of the time between applications.
  10. A Spit and Bite Guard must only be used on one subject and must never be applied to another person.
  11. A Spit and Bite Guard should be disposed of as a biohazard and evidential notes made regarding the circumstances of removal.
  12. 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.
  13. 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.
  14. If the subject vomits, remove the Spit and Bite Guard to prevent choking.
  15. A subject wearing a Spit and Bite Guard should be supported to prevent them falling.
  16. 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.
  17. 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**

* 1. 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.

* 1. **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.

* 1. **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.

* 1. 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.
  2. 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.
  3. 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.
  4. 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.
  5. 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.
  6. 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.
  7. 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
  8. The subject should not be handed over to a third party (such as Court transport) whilst wearing the Spit and Bite Guard.
  9. 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**

* 1. If the use of a Spit and Bite Guard causes serious injury, the emergency on-call OPONI Deputy Senior Investigating Officer (DSIO) must be contacted immediately 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.

# Appendix B: The National Decision Model:

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1. Up to and including 11 June 2023. Based on Spit and Bite Guard Daily Return and are subject to change [↑](#footnote-ref-1)
2. Based on 2020 mid-year population estimates provided on NISRA website. [↑](#footnote-ref-2)
3. Niche Flag contains Mental Health. [↑](#footnote-ref-3)
4. Data starts from September 2020 [↑](#footnote-ref-4)