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# WEST MIDLANDS POLICE

## Force Policy Document

<b>POLICY TITLE:</b>	<b>SPIT &amp; BITE PROTECTION EQUIPMENT</b>
<b>POLICY REFERENCE NO:</b>	<b>Ops/29</b>

### Executive Summary

West Midlands Police (WMP) has a duty of care under the Health and Safety at Work Act 1974 to provide adequate personal protective equipment and training for all relevant personnel who could potentially face violent situations involving spitting or biting.

This policy has been put in place to set out the criteria for the selection and acquisition of protective equipment known as Spit Guards. It also sets the standards for the training and deployment of Spit Guards. The aim of this policy is to ensure that there is an efficient and consistent approach adopted across the force in regard to the use of Spit Guards.

Any enquiries in relation to this policy should be made directly with Chief Inspector Kerry Blakeman, Force Operations.

### Intended Policy Audience

This policy is applicable to all Police Officers, Special Constables (SC's), Police Community Support Officers (PCSO's) and Police Staff. (These groups will be referred to as "relevant personnel" throughout this policy).

<b>Current Version And Effective Date.</b>	<b>Version 3.2</b>	<b>08/12/2017</b>
<b>Business Area Owner</b>	<b>Operations</b>	
<b>Department Responsible</b>	<b>Operations</b>	
<b>Policy Contact</b>	<b>CI 5129 Kerry Blakeman</b>	
<b>Policy Author</b>	<b>CI 5129 Kerry Blakeman</b>	
<b>Approved By</b>	<b>T/ACC Chris Johnson</b>	
<b>Policy Initial Implementation Date</b>	<b>21/11/2017</b>	
<b>Review Date</b>	<b>21/11/2019</b>	
<b>Protective Marking</b>	<b>OFFICIAL</b>	
<b>Suitable For Publication – Freedom Of Information</b>	<b>Yes</b>	

### Supporting Documents

[Authorised Professional Practice Guidance – Use of Force](#)

[Authorised Professional Practice - National Decision Model](#)

- Code of Ethics (<http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx>)
- Police Staff Standards of Professional Behaviour

### Evidence Based Research

Full supporting documentation and evidence of consultation in relation to this policy including that of any version changes for implementation and review, are held with the Force Policy Co-ordinator including that of the authorised original Command Team papers.

#### **Please Note**

**PRINTED VERSIONS SHOULD NOT BE RELIED UPON. THE MOST UPTO DATE VERSION OF ANY POLICY OR DIRECTIVE CAN BE FOUND ON THE EQUIP DATABASE ON THE INTRANET.**

### **Force Diversity Vision Statement and Values**

“Maximise the potential of people from all backgrounds through a culture of fairness and inclusion to deliver the best service for our communities”

“All members of the public and communities we serve, all police officers, special constables and police staff members shall receive equal and fair treatment regardless of, age, disability, sex, race, gender reassignment, religion/belief, sexual orientation, marriage/civil partnership and pregnancy/maternity. If you consider this policy could be improved for any of these groups please raise with the author of the policy without delay.”

### **Code of Ethics**

West Midlands Police is committed to ensuring that the Code of Ethics is not simply another piece of paper, poster or laminate, but is at the heart of every policy, procedure, decision and action in policing.

The Code of Ethics is about self-awareness, ensuring that everyone in policing feels able to always do the right thing and is confident to challenge colleagues irrespective of their rank, role or position

Every single person working in West Midlands Police is expected to adopt and adhere to the principles and standards set out in the Code.

The main purpose of the Code of Ethics is to be a guide to "good" policing, not something to punish "poor" policing.

The Code describes nine principles and ten standards of behaviour that sets and defines the exemplary standards expected of everyone who works in policing.

Please see <http://www.college.police.uk/What-we-do/Ethics/Pages/Code-of-Ethics.aspx> for further details.

The policy contained in this document seeks to build upon the overarching principles within the Code to further support people in the organisation to do the right thing.

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## 1. INTRODUCTION

- 1.1 West Midlands Police has seen an increase in notifiable crimes involving spitting at officers. On average an officer is assaulted by spitting every other day. 28% of all police assaults now involve spitting.
- 1.2 Officers and Staff are likely to encounter incidents which can have possible health risks from transmission of infection through contaminated body fluids from Spitting by non-compliant violent subjects, being detained or in custody. Spit Guards provide an additional tactical option to be considered in such circumstances.
- 1.3 A Spit Guard is a transparent, breathable mesh hood that is placed over the subjects head to restrict the transfer of body fluids from the mouth by means of spitting. Its application should prevent a person from spitting beyond the confines of the guard and allow for the safe transportation of a person being conveyed to / in prisoner transport, to a suitable place of detention or whilst in that detention facility.

## 2. MONITORING AND REVIEW

- 2.1 This policy will be monitored within the scope of "Uniform and Equipment Group" chaired by Superintendent Operations. It will be reviewed once every three years (unless circumstances dictate it should be reviewed more frequently) to ensure that the most up to date and relevant process for managing West Midlands Police policy is in place.

## 3. DEPLOYMENT PRINCIPLES

- Only WMP approved Spit Guards are to be used,<sup>1</sup>
- Spit Guards are only to be used by Police Officers and Detention/Escort Officers,
- The use of a Spit Guard is considered to be a use of force,
- Use of a Spit Guard should be proportionate, legally compliant and only used where considered necessary.
- Relevant personnel will be accountable for their use of Spit Guards and will record their deployment using an electronic Use of Force form following every use
- Spit Guards will be carried and used only by trained relevant personnel
- Spit Guards will be used in accordance with training and manufacturers guidance
- Where available Body Worn Video will be used when a Spit Guard is deployed

## 4. OPERATIONAL USE

- 4.1. Spit Guards should only be used in circumstances where the actions of the subject are such that they represent a significant risk (from spitting or biting) to the safety of relevant personnel and themselves. There are a number of scenarios in which it is acknowledged that the Spit Guard may be used:-
  - Moving a person from the scene of an arrest to a police vehicle
  - Transporting a person to a location (custody suite, place of safety)
  - Placing a person into a police vehicle

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<sup>1</sup> "KIT Design 1914-B-Spit Guard"

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- 4.2. Use of a Spit Guard is to be considered as one of a number of tactical options available to relevant personnel who is faced with a subject who :-
- Is Spitting/Biting
  - Is preparing to Spit/Bite
  - Is threatening to Spit/Bite
  - Has Spat/Bitten
- 4.3. A Spit Guard should not be deployed solely based upon a subjects historical behaviour. Where available Body Worn Video will be activated before a Spit Guard is deployed. The decision to use a Spit Guard rests with the relevant personnel and the use will be recorded in a Pocket Note Book (PNB) or where appropriate Electronic Detention Log (EDL)
- 4.4. If a Spit Guard is used officers **must** complete an electronic Use of Force form, [CLICK HERE](#).
- 4.5. Reasonable Grounds - In considering what action is reasonable, an officer should apply the principles of the Authorised Professional Practice (APP) and National Decision Making Model (NDM).
- 4.6. Impact factors such as age and gender, respective size and apparent strength and fitness may or may not support the justification of using the Spit Guard, taking into account all the accompanying circumstances at the time. There **must** always be an objective basis for the decision to use the Spit Guard.
- 4.7. Best practice is for a minimum of two officers working together to control the subject to correctly apply the Spit Guard. The subject should be handcuffed to the rear before a Spit Guard is applied.
- 4.8. Under no circumstances should a subject be left unattended whilst wearing a Spit Guard. Relevant personnel should keep anyone wearing a Spit Guard under constant supervision due to the potential risk of it inducing an asthma attack, vomiting, difficulty in breathing, or causing a restriction from a facial bleed. Subjects should be monitored via the viewing window in caged vehicles when being transported.
- 4.9. If the Spit Guard is used, the custody officer **must** be informed and the custody record should be endorsed accordingly by the Custody Officer. A requirement for a Force Medical Examiners (FME) will be a matter for the Custody Officer. Subjects must have the spit guard removed prior to being placed in a cell. Level 4 (Close Proximity) custody observations may in extreme circumstances warrant the use of spit guards. The spit guard could actually pose more of a risk to the subject in this case, eye protection for relevant personnel is available and should be a primary consideration before using Spit Guards.
- 4.10. Where possible, strong consideration should be given to the removal of eye wear from the subject prior to the use, and consideration given to the removal of any jewellery that might become entangled. Spit Guards will not fit over Turbans worn by members of the Sikh Faith, Turbans should not be removed to allow a Spit Guard to be deployed.
- 4.11. Where "Captor 2" has been deployed relevant personnel should be aware that this may cause the subject additional distress and an excessive amount of mucus and saliva.
- 4.12. On occasion, an elevated level of distress may be shown by the detained person when a Spit Guard is applied. Relevant personnel should provide verbal re-assurance and dynamically assess the situation with a view to removal if appropriate. In the event of a medical emergency the Spit Guard should be removed immediately.
- 4.13. Once used, the Spit Guard should be disposed of as per Bio-Hazard protocols. A replacement Spit Guard can be obtained from custody blocks.

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- 4.14. Where Spit Guards are used relevant personnel **must** ensure that the detained persons are suitably assisted when moved, as visibility may be impaired when the Spit Guard is in use. Relevant personnel **must** be aware of the requirements and techniques for safe movement of persons to ensure that they do not expose themselves to injury when carrying this out.
- 4.15. Relevant personnel need to consider the individuals medical conditions or the apparent pre-existing medical conditions when considering the use of a Spit Guard. These include asthma, vomiting and bleeding from the nose or mouth. In the case of a facial injury relevant personnel **must** take account of this and consider the potential impact of applying the Spit Guard.
- 4.16. Once deployed the use of Spit Guards should be continually reviewed and where the subject ceases to spit/bite/pose a threat relevant personnel should consider the removal of the guard.

## 5. VERBAL WARNINGS

- 5.1 Where circumstances permit, relevant personnel should give a clear warning of their intent to use the Spit Guard. They should give sufficient time for the warning to be heeded, unless to do so would unduly place any person at further risk, or would be clearly inappropriate or impracticable in the circumstances of the incident.

Relevant personnel shall give the clear verbal warning:-

*“Stop Spitting, Stop Spitting, if you continue to Spit or threaten to Spit, I will use a Spit Guard”*

## 6. AFTERCARE

- 6.1 Recovery from the effects of the use of a Spit Guard should be instantaneous, it is important that relevant personnel provide verbal reassurance as to the temporary effects and use of the Spit Guard, and instructs the subject to breathe normally. This will aid recovery and mitigate against hyperventilation. Should the subject not recover, first aid should be rendered immediately and the incident should be treated as a medical emergency.
- 6.2 Following the use of Captor 2 incapacitant officers and staff should have an increased awareness of the needs of the subject when a Spit Guard has been used. Captor 2 aftercare procedures should be followed.
- 6.3 Officers have a duty of care in relation to the safety and well-being of subjects under their control. Where it is evident that the subject becomes unduly distressed or a medical emergency the Spit Guard should be removed immediately.
- 6.4 Officers should consider looking for SOS/Medicaid wrist bands, Talisman necklaces or medication which may indicate a person has a pre-existing medical condition.
- 6.5 If the subject displays any breathing difficulties as a result of the use of a Spit Guard the Spit Guard is to be removed immediately and seek medical attention if necessary.

## 7. TRAINING

- 7.1 Relevant personnel who have received either initial or refresher Personal Safety Training AND who are accredited as such are required to complete the Spit Protection NCALT package [CLICK HERE](#). The package contains an introduction from the Chief Constable, a short video and a read through of this policy. Once completed officers should attend either Coventry, Perry Barr or Oldbury custody blocks where a Spit Guard and aide memoir will be issued. Officers will then be issued with ONE personal issue Spit Guard. Supervisors ONLY may collect more than one Spit Guard on behalf of their officers. Thereafter Spit Guard refresher training will be conducted during initial and refresher Personal Safety Training. This training will be delivered by qualified and accredited personal safety trainers.

## 8. EQUALITY IMPACT ASSESSMENT (EQIA)

- 8.1 The policy has been reviewed and drafted against all protected characteristics in accordance with the Public Sector Equality Duty embodied in the Equality Act 2010. The policy has therefore been Equality Impact Assessed to show how WMP has evidenced 'due regard' to the need to:
- Eliminate discrimination, harassment, and victimisation.
  - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

*Supporting documentation in the form of an EQIA has been completed and is available for viewing in conjunction with this policy.*

## 9. HUMAN RIGHTS

- 9.1 This policy has been implemented and reviewed in accordance with the European Convention and principles provided by the Human Rights Act 1998. The application of this policy has no differential impact on any of the articles within the Act. However, failure as to its implementation would impact on the core duties and values of WMP (and its partners), to uphold the law and serve/protect all members of its community (and beyond) from harm.

## 10. FREEDOM OF INFORMATION (FOI)

- 10.1. Public disclosure of this policy document is determined by the Force Policy Co-ordinator on agreement with its owner. Version 3 of this policy has been GPMS marked as OFFICIAL
- 10.2. Public disclosure does not automatically apply to supporting Force policies, directives and associated guidance documents, and in all cases the necessary advice should be sought prior to disclosure to any one of these associated documents.

Which exemptions apply and to which section of the document?	Whole document	Section number

**11. REVIEW**

- 11.1 The policy business owner Operations, Chief Inspector 5129 Blakeman maintains outright ownership of the policy and any other associated documents and in-turn delegate responsibility to the department/unit responsible for its continued monitoring.
- 11.2 The policy should be considered a 'living document' and subject to regular review to reflect upon any Force, Home Office/ACPO, legislative changes, good practice (learning the lessons) both locally and nationally, etc. Regular scrutiny of deployments will be carried out with the public via the Operations Independent Advisory Group.
- 11.3 A formal review of the policy document, including that of any other potential impacts i.e. EQIA, will be conducted by the date shown as indicated on the first page.
- 11.4 Any amendments to the policy will be conducted and evidenced through the Force Policy Co-ordinator and set out within the version control template.
- 11.5 Feedback is always welcomed by the author/owner and/or Force Policy Co-ordinator as to the content and layout of the policy document and any potential improvements.



**CHIEF CONSTABLE**

**12. VERSION HISTORY**

Version	Date	Reason for Change	Amended/Agreed by.
1	10 <sup>th</sup> October 2017	Original Document following mandatory consultation.	CI 5129 Blakeman
2	23 <sup>rd</sup> October 2017	EQIA recommends update re Spit Guards & Turbans	CI 5129 Blakeman
3	20 <sup>th</sup> November 2017	Feedback from ACC Johnson/BAPA re public scrutiny	CI 5129 Blakeman
3.1	08/12/2017	Added clarification of who spit guards will be used by	CI 5129 Blakeman
3.2	12/12/2017	Added clarification to 7.1 as to who can collect Spit Guards & hyperlinks added	CI 5129 Blakeman