

The use of spit and bite guards by Devon and Cornwall Police

Who we are

We are a small group of volunteers who are members of the public that form the 'Use of Police Powers Community Scrutiny Panel' for the Police and Crime Commissioner (PCC) for Devon, Cornwall and the Isles of Scilly. Our role is to help scrutinise how Devon and Cornwall Police use some of its legal powers (mainly use of force), and to report our findings to the PCC. The PCC may then use that information to inform their work with the Chief Constable.

Our role is not to criticise the police. Our aim is to identify what is working well along with any opportunities that we can find to improve something. Our value comes from the fact that we are not part of the police, so we can help view that organisation and how it works differently and independently.

In 2019 we completed a review into how Devon and Cornwall Police use 'spit and bite guards'. As a small panel of volunteers with limited time and resources we could not explore everything so we worked to a specific scope.

We work within the remit of the PCC's Scrutiny Framework and our panel's own Terms of Reference (both of which can be found online at www.devonandcornwall-pcc.gov.uk/about-us/scrutiny/).

We are not inspectors of constabularies, auditors, a professional standards team, or the Independent Office for Police Conduct. We are members of the public who can explore issues and offer our insight and recommendations to the PCC but it would not be right or appropriate for us to comment on individual cases that are or have been subject to disciplinary procedures. That is not our role and something which is clear throughout all of the PCC's scrutiny processes.

How we did this review

Received training in the use of spit and bite guards



Carried out desk based research



Reviewed documents



Spoke with frontline police officers



Reviewed body worn video



Met with the Force Lead Officer for Spit and Bite Guards



Some of the facts

What a spit and bite guard is

A spit and bite guard is a material guard (that looks like a mask) which is designed to reduce the risks which are caused by an individual who is spitting or biting. The Devon and Cornwall Police policy states that 'The purpose of the guard is to restrict the ability of the offender to spit or bite'.

The use of spit guards was approved by the Association of Chief Police Officers in 2007 by virtue of their inclusion within the National Personal Safety Manual. The decision to use spit and bite guards by Devon and Cornwall Police was taken in December 2018. The training in their use only started in January 2019.

Levels of force

The Equality Impact Assessment produced by Devon and Cornwall Police dated October 2018 for the use of spit and bite guards states: "*With the introduction of the Spit and Bite Guards there would be a lower use of force and therefore less possibility of physical injury to the prisoner, as well as protection for officers and other bystanders.*"

Spitting and biting often occurs after handcuffs have been applied to an individual. Without access to a spit and bite guard, police officers/staff/volunteers will need to use other forms of force to prevent an assault (or further assaults). Spitting and biting are serious assaults and Devon and Cornwall Police has a duty to mitigate the risk of such violence against its officers, staff and volunteers. All Chief Constables have a duty under Section 2 (1) Health and Safety at Work Act (1974) to provide 'safe systems of work'. The Act states that "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."

Spitting and biting can cause harm to the physical and mental health of a victim. Health risks include the transferring of blood borne viruses and the mental impact can be significant, degrading and long lasting. Whilst the risk of transfer of a blood borne virus through spitting or biting is considered to be low the impact of infection is extremely high¹.

The data

Between January and April 2019:

- spit and bite guards were used on 151 occasions
- the number of incidents attended by police during that time was 90,301
- during this time the use of spit and bite guards accounted for 0.17% of all incidents

Between January and April 2019:

¹ Briefing Paper - Blood Borne Virus Transmission (BBV) Policing activity and relationship to spitting incidents and requirement for controls in the form of spit guards – Sean Burgess (February 2017).

- 5,366 arrests were made so the 151 uses of the spit and bite guards related to 2.8% of all offenders
- the most frequent use of a spit and bite guards was (in descending order): street/highway, custody block, cell, hospital Accident and Emergency department, and police vehicle (prisoner handling)
- the perceived ethnicity of the subject in use of the spit and bite guard was overwhelmingly white (86%) and age 18-34/35-49 (69%)
- 6% of subjects were in the broad age range 11-17 years with a suggestion (without supporting data) that most subjects were 16+ and under the influence of intoxicating substances

Year	Officers/staff spat at
2016	140
2017	76
2018	168
2019 (Jan – Apr)	57

Data source: Devon and Cornwall Police

A summary of our main findings and recommendations

Having to have a spit and bite guard applied, like having any force used against an individual, is invasive and intrusive. The use of such force is an extreme power that the police has, and as such must be open to rigorous public scrutiny. When the police use a spit and bite guard (and any other force) it must be recorded and now with the introduction of body worn footage, scrutiny of such incidents should, in our view, be much easier and transparent.

We recommended to the PCC that they discuss with the Chief Constable whether or not he would give consideration to ensuring that regular and consistent scrutiny (e.g. dip samples) of cases involving the use of spit and bite guards on children and young people aged 18 years and under, and other individuals with a recorded vulnerability, takes place at the Force 'Use of Force' Working Group and at a local level throughout the Force area, as part of general police practice to internally review use of force.

We also recommended to the PCC that they consider discussing with the Chief Constable whether Devon and Cornwall Police's internal Use of Force Working Group could explore how the experiences of individuals who have been subject to spit and bite guards (including information from complaints data) could be captured to help inform policy and practice.

We were shown the spit and bite guards that Devon and Cornwall Police use and note that the provider of the guards names them in relation to spitting only. On checking the provider's website the guards are marketed purely as offering protection against spitting and make no reference to bite protection. The term 'spit and bite guard' is a nationally used term.

We recommended that the PCC discuss with the Chief Constable whether he would give consideration as to: the reasons why the personal protection equipment the Spit Guard Pro is being referred to in policy and practice as a 'spit and bite guard' and

whether or not that is appropriate; the possibility of clearer messaging around this piece of equipment if deemed necessary; and an assurance provided that no alternative/additional bite protection personal protective equipment is required by frontline officers (including special constables) and staff in Devon, Cornwall and the Isles of Scilly.

We watched body worn footage of several cases of assaults on police by spitting, and the application by police officers of spit and bite guards. In two of the five cases we watched, the officers did not inform the offender that they were going to apply the spit and bite guard. The force's policy does not state that officers must inform an individual that they are going to have a spit and bite guard applied to them, but the officers aide memoire does state that they should. We are of the view that when the police explain why they are applying a spit and bite guard, they are doing it so that the offender understands what's about to happen to them and why. It also affords an individual some dignity in a difficult situation and evidences that they are being treated ethically. It also alerts any members of the public that are viewing the situation *why* the officers are taking this action.

We recommended that the PCC consider discussing with the Chief Constable whether further consideration be given to how Devon and Cornwall Police could ensure consistent practice throughout the Force in relation to officers explaining to an offender the reason for a spit and bite guard being applied.

Our other observations

In addition to the findings above which related specifically to the use of spit and bite guards, we made a number of other additional observations and recommendations to the PCC about assaults on police officers, staff and volunteers by spitting. These included:

- our recognition of the calmness and professionalism of Devon and Cornwall police officers in challenging and violent situations, which we observed through our scrutiny of body worn video;
- our recognition of the excellent example of supportive line management and leadership that we observed in relation to a specific case of assault on a police constable by spitting;
- a suggestion as to whether signposting information could be produced and made available to support family members/close friends of police officers following an assault at work; and
- a suggestion that the #unacceptable campaign be rejuvenated with other blue light emergency services to discourage assaults on emergency workers, and that Devon and Cornwall Police consider putting up signs/posters to discourage violence in appropriate locations (e.g. police front desks and custody)

What happens next

Our work will be considered by the PCC who will let us know what action may be considered in response to our findings. We will then monitor progress against any actions at our quarterly scrutiny panel meetings.