

Rt Hon Yvette Cooper MP House of Commons London SW1A 0AA

14 March 2017

Dear Ms Cooper

POLICE PROTECTION AGAINST SPITTING

I am writing to you in my capacity as Chair of the Independent Custody Visiting Association (ICVA) to request that the Home Affairs Select Committee consider taking evidence on the protection of police officers and staff against spitting.

I, along with my fellow Board members, have concerns at the lack of policy, governance and public consultation in relation to the use of spit guards, sometimes referred to as spit hoods. This lack of a national evidential standard has led to individual forces undertaking their own limited research and consultation, and a fragmented approach. At present, it is believed that around nineteen police forces use spit guards; some just within a custody environment but there are forces that provide them to operational officers for use on the street.

As a former police officer myself, I understand first-hand just how horrific it is to be spat at or bitten. In addition to the act itself, the victim faces the possibility of contracting life-threatening diseases such as HIV and hepatitis and having to undertake an often unpleasant course of anti-viral treatment as a precaution. This impacts on them personally, but also their family and home life.

ICVA understands that police forces have a positive obligation under Health and Safety law as well as a moral responsibility to take all reasonable steps to protect their staff. In doing so it is entirely appropriate that they consider all available options, but in relation to protection against spitting I believe this has yet to be achieved.

My reasons for suggesting that a review into police protection against spitting and specifically the use of spit guards should be considered by the Committee are as follows:

- Fundamentally, the scale of the problem is not properly understood. At present we do not know:
 - > How many police officers and staff have been spat at?
 - > Is there an increase in spitting incidence?
 - How high is the level of reporting? (It is said many staff do not bother reporting it.)

- What is the risk of infection?
- > Are some forces using other means to protect staff?
- > What support do forces provide their affected staff?
- > Are courts cognisant of the impact of being spat at and sentencing accordingly?
- What percentage of those spitting are in mental health crisis or under the influence of alcohol or drugs?
- There is no national guidance on the deployment of spit guards. I am reliably
 informed that, due to the controversy associated with their use, many officers only
 feel comfortable applying one after already being spat at, or a clear attempt made to
 do so, or a credible threat to spit; even if they had prior information that the person
 was contagious and known for violence. If this is the case, spit guards are not an
 effective method of mitigating the risks.
- Spit guards are not used in other environments such as in the prison service or other secure units where staff may face the same risks as police officers and staff.
- Three different IPCC enquiries have raised concerns about their use.
- HMIC has stated its intention under the Spring 2017 PEEL Inspection to review force policy on the use of equipment designed to prevent a person spitting or biting. This means that forces will be assessed in an area in which there has been no national research or guidance.
- The Minister of State for Policing and the Fire Service announced on 2 March 2017 that the Home Secretary had authorised the use of the Taser X2 Conduction Energy Device. In his letter, he reminded forces and PCCs that the Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons would monitor usage and review any medical aspects that may arise. Should a similar process for spit guards not be adopted? We are concerned of reports from America where spit guards may be linked to asphyxiation when saturated by mucus or blood. We are also aware of an incident where an irritant spray could not dissipate under a spit guard, causing injury to the detainee. We suggest that additional analysis is needed where PAVA spray may be used on a detainee and quickly followed with the use of a spit guard.
- ICVA's Board has concerns over the use of spit guards on vulnerable detainees, or those with complex needs. Spit guards may cause additional distress to detainees or inflame a situation. We are also concerned that it may cause physical harm to a detainee or obscure observation of breathing or injury.
- We are concerned as to whether the use of spit guards is in line with the human rights duties that the United Kingdom subscribes to, in particular, Article 3 of the European Convention on Human Rights regarding the prohibition of torture or other cruel, inhuman or degrading treatment or punishment.

The Committee will be well aware of the pressures and challenges of contemporary policing. Individual Chief Constables and Police and Crime Commissioners must balance the duty to protect their staff with that to protect members of the public, however, in the case of spit guards the two are often perceived as being mutually exclusive. It might be useful to note that the Metropolitan Police are currently being sued by an officer who was spat at for failing to provide the means to protect themselves, and conversely are facing legal action from a detainee who had a spit guard applied to them.

The Committee is highly regarded for its thoroughness and willingness to scrutinise difficult issues that have considerable public interest. I believe the protection against spitting and the use of spit guards falls into this category, and the Committee's findings would carry significant influence in shaping police policy and public confidence.

I have written to the Home Secretary regarding this matter in which I reiterated my understanding of what a disgusting act deliberately spitting mucus or blood at another person is but for the reasons outlined above feel that the Government, or Parliament, needs to bring some semblance to the issue in order to protect staff and those being detained.

Yours sincerely

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Martyn Underhill Chair