

Independent Custody Visiting Association
Guidance for Independent Custody Visitors and Schemes
Spitguards
September 2020

Purpose of Briefing

This briefing is intended to give schemes/ICVs an overview of spitguards use, (also known as spit hoods or spit and bite guards), in police custody. The briefing will give an overview of what they are, when and how they can be used in custody as well as some things to look for if ICVs see them being used. There is a checklist to accompany this briefing.

What are spitguards?

Most forces in the UK now have the use of spitguards for their custody suites. There are up to 6 types of spitguard in use, depending on which model the force have decided to use. Some of the guards are a mesh net that goes over the head, most have a plastic part of the guard that goes over the detainees mouth and nose at the front. They will look something similar to one of the below:



Where are they used?

Spitguards are used both inside and outside of the custody environment, but not all forces use them in the community, and some forces have yet to adopt them at all.

There has been a great deal of media attention regarding the use of spitguards, with very strong opinion from those who are both pro and anti their use. ICVs should be aware that spitguards can be a very emotive issue to discuss.

When are they used?

Any use of force should always be the last resort or as a pre-emptive action to protect themselves or someone else, with de-escalation techniques being used in the first instance. The College of Policing Authorised Professional Practice, (APP), states that all officers and staff should use the National Decision Model, (NDM), for deciding when to use force of any kind, and this includes the application of Spitguards. You can find the APP guidance on use of force [here](#). All staff must be trained prior to using the equipment.

The guards can be deployed under the following circumstances:

- When the detainee is threatening to spit
- Is preparing to spit
- Has spat
- Is currently spitting
- Is preparing to bite
- Is threatening to bite
- Is currently biting
- Has bitten

Training suggests that the use of a spitguard needs to be carefully assessed, and that the justification for its use sits with the person applying the guard. The use of a spitguard must be recorded as a use of force and, as with other use of force must be justified, proportionate and reasonable to the risk posed by the detainee.

Situations when a spitguard should not be used are the following:

- When a detainee is vomiting
- When a detainee is bleeding excessively bleeding from the mouth and/or nose (should either of the above occur when the guard is in place it should be removed)

Other points to be noted:

- Faith related headwear should not be removed to apply a spitguard, dignity must be preserved in this regard and other options considered
- Thought should be given to removing jewellery and non-faith related headwear to ensure the spitguard can be removed quickly and without impediment
- Thought should be given to applying a spitguard on a detainee who has been sprayed with CS or PAVA spray if they are still suffering the effects of the spray

Once the spitguard has been applied:

- Custody staff, (or staff such as the arresting officer who may be applying the guard), must ensure that the nose and eyes are free of any elastic banding that might be part of the guard
- Custody staff, (or arresting officer etc.), should check that the guard is not in any way tight around the detainees neck area
- Custody staff (or arresting officer etc.), need to consider the dangers associated with Acute Behavioural Disorder (ABD) and positional asphyxia as with all types of prone restraint if this is a feature of the restraint in addition to the application of a spitguard
- The detainee **MUST NOT** be left alone whilst the guard is in place in cell
- Custody staff (or arresting officer etc.), must monitor the detainees breathing whilst wearing the spitguard and being restrained

As with all use of restraints, efforts should be made to de-escalate the situation and remove the restraint as soon as the risk is thought to be contained and/or reduced.

What should ICVs note?

ICVs are not expected to be experts in use of force but can perform a really useful function in terms of oversight. We have produced a checklist but ICVs might want to consider the questions below when composing their report.

- Where ICVs see the application of a spitguard, did its use appear justified, reasonable, and proportionate to the threat posed?
- Was care taken to ensure the detainees nose and mouth were not obstructed and the guard was suitably loose?
- Were custody staff consistently with the detainee whilst the guard was in place?
- Were attempts made to minimise the perceived risk to staff, de-escalate and remove the guard as soon as possible?
- Did the staff then update the custody record and complete a use of force form once the incident is resolved?

ICVs should report all uses of spitguards that have been seen in the custody suite, and scheme managers should alert ICVA to these reports.