

Committee(s): Police Committee- For information	Date(s): 5 th December 2018
Subject: The use of Spit & Bite Guards and Leg Restraints by the City of London Police	Public
Report of: Commissioner of Police Pol 88-18	For Information
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Summary

This report is submitted in order to inform Members of the Force decision made at the Force Strategic Management Board (SMB) on the 14th November 2018, to approve the issue and use of spit & bite guards and limb restraints by City of London Police Officers.

Currently there is an unprecedented rise in assaults on Police officers nationally. The current estimate by the Police Federation of England and Wales is that an officer is assaulted in some manner every 13 seconds, or 6000 assaults on Police officers every day. It is this increase that has caused the force to reconsider its options in relation to the use of spit & bite guards and limb restraints. The City of London Police (CoLP) has a duty of care to its officers to provide them with whatever protection is necessary for them to do their job safely. The Home Secretary stated that public perception should not hinder Chief Constables from protecting their officers. At the London Ethics Panel recently, the matter of spit & bite guards was also discussed and it highlighted an inconsistency in their use in London by the three forces (CoLP, British Transport Police (BTP) and the Metropolitan Police Service (MPS)).

Home Office approval is in place for the use of spit & bite guards and limb restraints by police nationally. Thirty two police forces in England and Wales now use spit & bite guards to protect Officers and members of the public, with another eight forces considering their use. As an example force, Cambridgeshire Police have used spit guards since 2008 and report that there have been no complaints as a result of their use since the force commenced using them.

It is acknowledged however, that the nature of these guards and restraints has been and remains an emotive and divisive subject with some individuals, pressure groups and organisations protesting against their use.

The spit guards themselves, as selected by the City of London Police for use, are medically certified to CE93/42/EEC and fuller details are in the Main Report. The limb restraints selected for use by the Force are constructed of Velcro and are light in weight and flexible so as not to cause unnecessary harm to individuals to which they are applied.

The purpose of issuing of spit & bite guards and limb restraints is so that Officers are able to apply the minimum force when having to protect themselves during the detention of violent suspects.

The issue of personal protective equipment does not relieve the officer from the personal responsibility to justify every element of force used to achieve their legitimate aim. As such, the actual deployment of this equipment is not expected to be frequent. It is to be provided as an additional tactical option to officers.

Monitoring the use and application will be conducted as part of the Use of Force Working Group and report into Uniform Policing Resource & Operations Board, who in turn will report to Force Health & Safety Board.

Recommendation(s)

It is recommended that Members note the report and the decision taken by the CoLP Strategic Management Board.

Main Report

Background

1. Violent crime and assaults on police are continuing to rise within London with officers reporting being assaulted at an all-time high. Over 40000 police officers in the UK have reported being injured in the line of duty with an estimated 6000 assaulted every day (figures provided by the Police Federation of England and Wales).
2. In the City of London, Since April 2017 there have been 666 'Use of Force' reports stating that the detained person was offering 'Aggressive resistance' toward officers. In the same reporting period, a further 50 'Use of Force' reports stated that the detainee was offering 'Serious Aggressive resistance'.
3. In 2018 from January up to 8th October there were 10 'near-miss' reports stating that the detainee was spitting at officers. To put this into context, in 2016 and 2017 there were no reports of this nature.¹
4. These figures suggest that there is an increased need for officers to have access to spit & bite guards and limb restraints, as an option open to them in their role as front line Police Officers. Operation Hampshire has been introduced by the City of London Police Federation to report assaults on officers and ensure that their welfare needs are met.

¹ Source: Force Systems

Current Position

5. Thirty two of the forty three Police forces across England and Wales have authorised the use of spit and bite guards to protect officers, other emergency workers and members of the public.
6. Of the thirty-two police forces issuing spit and bite guards to their officers, it includes the British Transport Police (BTP), who on occasion detain people in the City of London Police area and enter our custody. This presents a disparity in police procedures and a less than desirable quandary of policy for City custody officers to contend with.
7. The Metropolitan Police Service (MPS) has not, as yet, authorised the use of spit guards outside of custody suites. The demographics of the MPS area is considerably different to many other Police areas, including the City of London Police area, and this is a matter of determination for the MPS.
8. Both the MPS and the BTP use limb restraints when dealing with violent detainees who, on occasion, detain people in the City of London Police area and enter our custody. As with spit & bite guards, this poses an issue in relation to custody and how to deal with the restrained detainee and the risks that poses to both officers and the organisation, but this is regulated by clear guidelines and Forces who adopt these options have in place standard operating procedures.
9. In the absence of Spit and Bite Guards, officers are currently trained to deal with a spitting detainee by controlling the head and pushing it forward and/or down. Whilst this is generally successful in preventing mucus and blood-borne assaults, it also increases the risk of positional asphyxia and/or breathing difficulties for the detainee.
10. If the detainee cannot be controlled effectively whilst they are spitting at officers, the officers may be required to escalate the use of force against the detainee which increases the risk other physical injury to the detainee.
11. Spitting by detainees presents a very real risk of the transmission of potentially life-threatening and life-changing medical infections and diseases. After being spat at, officers that have come into contact with the bodily fluids face a prolonged wait for medical test results to see if there has been any transfer of illnesses, this can have a dramatic impact on Officers in terms of their domestic home life as subsequent onward transmission of disease by the officer poses a risk to the officers' family and friends. Following ingest of potentially diseased body fluids may also restrict the public contact an officer can have, until certain they are clear of disease themselves.
12. An increasingly common method of assault is by spitting. Within the City of London, officers increasingly deal with members of the public that use drugs, or have other underlying health issues. Statistics from the department for public health reveal that, in London, 59% of injecting drug users test positive for

Hepatitis C, a disease that can be transferred by bodily fluids. The scale of other communicable disease such as Tuberculosis is high in residents on neighbouring metropolitan boroughs, many of whom transit through the City of London Police area.

13. Current training in the prevention of officers being assaulted through spitting or biting is such that it requires a level of force to be applied against that person which, by comparison increases the risk to the detainee of positional asphyxia and/or breathing difficulties.
14. The approved Spit-Guard is the 'Spit Guard Pro' (Kit Design) which is medically approved under CE93/42/EEC. This is a single use guard that is hygienically disposed of after use. The cost of the above Spit-Guard is £94.50 for a pack of 50 Spit-Guards, or approximately £1.89 each. It is a breathable mesh hood that is placed over the head of the detainee if they have spat, are preparing to spit or have threatened to spit at officers. The guard does not restrict the movement, sight and hearing; nor cause any disorientation to the detainee; nor will it have any effect on the detainee's ability to breathe or speak.
15. Additional training will be delivered to allow officers to both apply and remove the spit-guard safely, as well as in its disposal and limitations. Similarly, additional training in the application, use and removal of the limb restraints will also be required, as well as the limitations of its use.
16. In the absence of limb restraints, officers are trained to restrain the legs using techniques around applying downward pressure, effectively using the officer's bodyweight to pin the legs. This pressure is not always effective and, in certain circumstances, such as dealing with persons with existing injuries or mobility issues, may cause harm or exacerbate existing injuries. This also places the officer in a vulnerable position whilst utilising this technique.
17. The current approved limb restraints are the Holdfast Limb Restraint and the Emergency response Belt. In some instances, forces utilize both belts within their tactical options. The City of London Police are currently deciding which of the options best suits their immediate needs, although the Holdfast Limb Restraint seems to be the preferred option amongst other forces including Kent, Surrey, Hertfordshire, TVP, Suffolk, Norfolk, Northamptonshire, Essex and the MPS. The cost of the Holdfast Limb restraint is low, at £12.95 per item with a similar cost for the Emergency Response Belt.
18. A report outlining the case to introduce spit & bite guards and limb restraints was presented to the 14th November 2018 City of London Police Strategic Management Board, aided by images and working examples of Spit & bite guards and limb restraints to support the facts presented, led to the board authorising the acquisition, training and use of this equipment as a tactical option.

Decision of SMB on 14th November 2018

19. The City of London Police Strategic Management Board on 14th November 2018, made the policy decision to authorise the use of spit & bite guards and limb restraints by frontline officers as a tactical option. However it is important to note that their use will not be fully authorised until an agreed standard operating procedure (SOP) is finalised and a training package from nationally agreed methods is designed for local delivery. No officer will be issued a spit & bite guard or a limb restraints until trained.

Next steps

20. Going forward, the spit & bit guard is a one use item, it will not be replaced for the officer until they have recorded the use of force on Police systems and a manager satisfied that the use has been so recorded and rationale applied. Limb restraints can be re-used, but will be replaced if overly worn or if they become contaminated with blood or other bodily fluids. Limb restraints should be considered as a supplement to the use of handcuffs, and is primarily intended for use on the legs, although they can be used as arm restraints and aid in the taking of fingerprints by force.

21. Based upon the experience of Cambridgeshire Police in that, since the adoption of Spit-Guards in 2008 there have been no complaints as to their use or their appearance (accurate as of 9th November 2018), the City of London Police (CoLP) will refer to the Cambridgeshire force to review the CoLP SOP, training package and governance structures, so as to replicate what is viewed as best practice in the use of this protective equipment.

22. Spit and Bite Guards have been an approved Home Office tactical option for a substantial amount of time, with the current home secretary publicly questioning why all forces are not yet utilising the option so as to afford better protection to arresting and supporting officers. The most current Home Office opinion will be factored into City of London Police SOP where appropriate.

23. Public perception of spit guards has been such that a dozen forces are still yet to authorise their use although, of these, eight forces are exploring options around their use. The City of London Police has already communicated with internal stakeholders, and after informing Police Committee will fully engage key external stakeholders and community representatives, informing them of the rationale and offer to demonstrate the equipment to be issued, so as to ease any community concerns.

24. The use of Spit guards and limb restraints will be continuously reviewed at the Use of Force Working Group and through the Professional Standards Directorate in order to assess both their effectiveness and the impact within the City of London. Any operational learning will be captured at the Organisational Learning Forum, chaired by the Assistant Commissioner. Immediate learning will be communicated by cascade briefings via the chain of command.

25. Longer term revised practices will be briefed and recorded through the intranet or via the NCALT online learning centre which records and monitors individual officers to ensure that they complete the packages provided.

Corporate & Strategic Implications

26. The legal obligations put upon the City of London Police in the protection of its public and staff, as well as the obligations as a Police Service mean that the use of spit guards and limb restraints by officers fulfil its requirements in terms of maximising reasonable protective measures.
27. The application of spit & bite guards and limb restraints will be implemented in accordance with national authorised practice.
28. The adoption of the use of spit & bite guards and limb restraints may place the City of London Police under scrutiny from charities and organisations, as well as possibly increasing media and public attention. Transparency in their use is essential to maintaining community confidence. Police Committee Members are invited to observe training in this product when it is scheduled and rolled out.

Implications

29. The financial implications of the introduction of spit guards is low. The guards themselves, whilst only single use, are a low cost item coming in at approximately £1.89 per guard. The financial implications of the introduction of Limb Restraints is also low. The cost of the restraints themselves are £12.95 each. The budget to purchase and re-order these items is yet to be confirmed.
30. The training will require a certain amount of time to fully implement, although officers will be trained in their use as part of their regular officer safety training. This will negate the need to have officers taken from other duties to complete their spit and bite guard and limb restraint training.
31. A robust SOP around the use of spit & bite guards and limb restraints along with the City of London's exemplary Use of Force training and transparent monitoring, will mitigate the risk of the City of London Police receiving any negative press, and/or attention from either the media or charities/organisations against their use.

Conclusion

32. The City of London Police Strategic Management Board approved the introduction of the use of spit guards and limb restraints to provide additional protection to its officers at a time when resources are stretched and new threats and challenges are being faced by Police Officers in the UK.
33. Both the spit guards and limb restraints are approved by the Home Office and the Home Secretary believes that public perception should not hinder chief constables in protecting their officers (with reference to negative perception

around this equipment). The Force will work together with other Police Forces currently using the equipment to ensure best practice is followed and a common approach to the use of both tactical options is employed.

Appendices

- Appendix 1 – Picture of a deployed Spit Guard Pro (Kit Design) taken from the Kit Design website
- Appendix 2 – Picture of 2x Holdfast Limb Restraints being used along with handcuffing
- Appendix 3 – Picture of a Holdfast Limb Restraint