



PSNI Response to the Northern Ireland Policing Board (NIPB) Human Rights Advisor's 21 Recommendations on the use of Spit and Bite Guards

Updated 24 February 2023

The Northern Ireland Policing Board's Human Rights Advisor made 21 recommendations about the use of Spit and Bite Guards in his Review of PSNI's Use of Spit and Bite Guards, February 2022. There are 5 strategic recommendations and 16 operational recommendations. We shared our response to these recommendations with the NIPB Performance Committee in June 2022 and further updated the response in November 2022 and February 2023. We track and monitor the recommendations through our new governance structure, the Service Accountability Panel, which meets every quarter.

Each recommendation has a Red/Amber/Green (R/A/G) status to denote our position in terms of compliance as well as a narrative to provide further context. We will update and republish these recommendations in May 2023.

Strategic Recommendations:

Recommendation	Status (accepted/not accepted)	R/A/G	Current Position (21 February 2023)	Comments NIPB
1. The lack of sound medical advice that demonstrates the effectiveness of Spit and Bite Guards in preventing the transmission of COVID-19 or any other infection means that PSNI should make it clear to officers and the public that the use of Spit and Bite Guards on medical grounds alone is not justified.	Accepted		We have updated our policy on the use of Spit and Bite Guards to reflect the medical position as follows: <i>The Spit and Bite Guard is not PPE, it is a piece of work equipment. We have issued Spit and Bite Guards to protect you and the public from subjects who are spitting or biting. Spit and Bite Guards can reduce the risk of spitting or biting and can therefore reduce the risk of the spread of blood borne viruses via saliva or blood.</i>	
3. It is difficult to see how the use of a Spit and Bite Guard will ever be in the interests of a child and therefore the Guidance should be amended to set out the circumstances where this might, possibly, be true.	Accepted		We have updated our policy as follows: <i>“..There may be rare occasions when use on a person under 18 may be appropriate. In certain circumstances, the use of a Spit and Bite Guard on a child may be the only alternative to an unnecessary escalation of the use of force or untested restraint tactics and may therefore be in the best interests of the child. In such circumstances, officers must implement the following: Officers must take all reasonable steps to confirm the age of a subject prior to considering deployment of a Spit and Bite Guard.</i>	

			<p><i>The vulnerability of the subject must be taken into consideration in the context of the threat to officers and other members of the public.</i></p> <p><i>Where a subject is confirmed as being under 18 (or is believed to be under 18), officers must consider and discount all other available options and tactics before a spit and bite guard is deployed. This includes options to aide de-escalation with the subject and, where practicable, an alternative to a Spit and Bite Guard, for example, good communication, donning additional personal protective equipment or placing the individual in a cell van and keeping under observation. Other tactics to consider are disengaging entirely from the subject for a period of time with due consideration given to the safety of yourself, your colleagues and members of the public, engagement with a parent/guardian or engagement with Social Services.”</i></p> <p>We continue to monitor the use of Spit and Bite Guards on children at our Service Accountability Panel (SAP). We view the Body Worn Video footage of each deployment on a child and provide a summary of the incident for discussion at SAP.</p>	
<p>15. If an officer is aware the child is under 18 then the Guard should not be used under any circumstances. (Alternatively, where it is possible, only</p>	<p>Not accepted</p>		<p>We continue to examine the use of Spit and Bite Guards on children however, policy still allows for the use of the tactic on under 18s in certain circumstances.</p> <p>Deployments on children remain low. Of 351</p>	

<p>follow authorisation from a Superintendent.) If the Guard is used on a child, then the incident of this should be notified to the Police Ombudsman who should review the Body Worn Video.</p>			<p>deployments of Spit and Bite Guards at 24 February 2023, there were 16 deployments on children/young people under 18 as follows:</p> <ul style="list-style-type: none">3 x 14 year olds (guard applied twice to one individual)3 x 15 year olds6 x 16 year olds (guard applied twice to three individuals)4 X 17 year olds (guard applied twice to one individual) <p>With the re-application of the guard on four individuals, there have been 21 applications in total on children/young people.</p> <p>Data shows that between 1 March 2020 and 23 February 2023, there were 1367 reports of spitting/biting. In 827 of these incidents where details were available, 159 involved a child/young person under 18. This equates to 19.2% of the reported incidents.</p> <p>The Police Ombudsman has agreed to review every deployment of a Spit and Bite Guard on a child for a 12-month period beginning on 1 November 2022. PONI will also view the Body Worn Video footage of every deployment on a child during this period.</p>	
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<p>19. Where an officer knows that someone has a mental health condition that could be exacerbated by the use of Spit and Bite Guards, particularly self-harm or suicide, then the Guard should not be used.</p>	<p>Accepted</p>		<p>This is covered in policy and training as follows:</p> <p><i>If you are aware or believe that the subject has mental health or another debilitating condition, which the use of a Spit and Bite Guard could exacerbate, the presumption will be that a Spit and Bite Guard should not be used.</i></p> <p>Our revised training video also includes a section on the use of the tactic on vulnerable people with the following message:</p> <p><i>Officers should be mindful of other vulnerabilities or medical factors that may exist. These may include visual impairment, epilepsy, respiratory illness or symptoms related to Covid-19. This list is not exhaustive. Good communication with the subject and other relevant parties can help to identify any vulnerabilities or relevant medical factors.</i></p> <p><i>Officers should be aware that there may be situations where communication barriers exist between the officer and the subject. You may be dealing with people who are deaf or hard of hearing, people who have autism or those individuals for whom English is not their first language.</i></p> <p>We accept that officers should not use a Spit and Bite Guard when an assessment confirms the likelihood of exacerbation. However, this will not always be possible as officers are operating in dynamic situations and are not mental health professionals. Therefore, whilst we will</p>	
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			<p>put safeguards in place where a vulnerability is known or immediately obvious, a Spit and Bite Guard may be deployed in other circumstances where the only alternative may be to employ physical restraint or an untested tactic using a makeshift alternative.</p> <p>We examine any encounters involving the use of a Spit and Bite Guard where officers have not activated Body Worn Video. We reviewed 2 incidents in July 2022 where officers explained that their devices had run out of power towards the end of a long shift. This appears to be an exception and there have been no further incidents of non-activation of the equipment.</p>	
<p>21. The Policing Board should consult with the Police Ombudsman, HMICFRS, CJINI and other inspection bodies on how best to implement this recommendation:</p> <ul style="list-style-type: none"> • Every use of a Spit and Bite Guard on a child should be reviewed; • Every use of a Spit and Bite Guard on a person already in a police vehicle or police custody should be reviewed; Again need a specific comment. 	<p>Accepted</p>		<p>We review every use of the guard on a child. In addition, immediate supervisors and an officer of at least Chief Inspector rank view the Body Worn Video (BWV) of every deployment on a child.</p> <p>Our Operational and Tactical Development Unit view the BWV footage of every deployment to assess compliance with policy and the need for continued use in individual cases. It is evident that, despite being restrained, subjects do continue to spit at police and the public. The Service Accountability Panel will monitor the use of Spit and Bite Guards going forward. We continue to collate a daily return of deployments and maintain a spreadsheet showing data on age, gender and ethnicity. We add additional data to the spreadsheet if volunteered by an</p>	

<ul style="list-style-type: none"> Any use of a Spit and Bite Guard that occurs after a person is restrained and where officers can temporarily remove themselves to a safe distance should be reviewed; The Human Rights Advisor should dip sample the BWVs of the use of Spit and Bite Guards over the second quarter of 2022 and report on his findings in October 2022; An independent investigation and report on the reasons why members of one religious group are more likely to be subject to a Spit and Bite Guard than another; Advise that research will be tasked at PPDG. <p>A complete review of the use of Spit and Bite Guards by PSNI should be conducted by the end of 2022. Advise that this will be considered post the decision at SMB in March.</p>			<p>individual. This includes disability and community background. We regularly gather statistics on spitting and biting incidents, the use of Spit and Bite Guards by District/Department/location as well as data on the protected Section 75 groups, where known. Stage 7 of the Equality Impact Assessment is underway and involves assessing the impact of the use of Spit and Bite Guards on the protected groups over a 12-month period (June 2022-July 2023).</p> <p>Between 1st November 2022 and 31st October 2022, we will refer all deployments of Spit and Bite Guards on children (under 18 years) to the Police Ombudsman for NI (OPONI) for review; this will include a review of relevant Body Worn Video (BWV) footage. We will review this referral process after 12 months.</p> <p>We provided the Policing Board with a review of the use of Spit and Bite Guards in January 2023.</p> <p>An independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups. We will explore this option with the Policing Board.</p>	
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Operational Recommendations

Recommendation	Status (accepted/not accepted)	R/A/G	Current Position	Comments NIPB
<p>4. A more detailed assessment of the law and the human rights requirements in relation to the use of Spit and Bite Guards should be set out in the Guidance and provided in the training of officers for their use and this should include the requirement to consider alternatives.</p>	<p>Accepted</p>		<p>The Human Rights requirement in respect of the use of Spit and Bite Guards was not adequately set out in Chapter 1 of the Conflict Management Manual. We have updated policy on the use of Spit and Bite Guards (Chapter 16) to reflect the views of the Board's Human Rights advisor in this area by referencing our own Code of Ethics as follows:</p> <p><i>Article 4 of the PSNI Code of Ethics states:</i></p> <p><i>Police officers, in carrying out their duties, shall as far as possible apply non-violent methods before resorting to any use of force. Any use of force shall be the minimum appropriate in the circumstances and shall reflect a graduated and flexible response to the threat. Police officers may use force only if other means remain ineffective or have no realistic chance of achieving the intended result.</i></p> <p>All of our Personal Safety Programme (PSP) lessons incorporate crisis communication/de-escalation techniques. PSP training will include scenario-based training in the coming months where officers can put de-escalation training into practice.</p> <p>Data on the use of Spit and Bite Guards (since introduction) compared to other uses of force is as follows:</p>	

Period	Use of Force	Total number
16 th March 2020 – 31 st October 2022	Baton drawn only	595
	Baton drawn & used	298
	Irritant spray drawn only	616
	Irritant spray used	619
	Spit and Bite guard	310

The use of Spit and Bite Guards is markedly less than other tactical options.

We undertook benchmarking of our use of Spit and Bite Guards with other UK forces of a comparable size in May 2022. (We are collating more up to date data in 2023)

Police Service	Number of deployments	Use on males	Use on females	Use on children
PSNI	247	208 (84.2%)	39 (15.8%)	18 (on 14 children) (7.3%)
West Yorkshire	913	718 (78.6%)	195 (11.4%)	73 (8.0%)
Merseyside	584	422 (72.3%)	162 (27.7%)	41 (7.0%)
West Midlands	1,064	845 (79.4%)	219 (20.6%)	57 (5.4%)

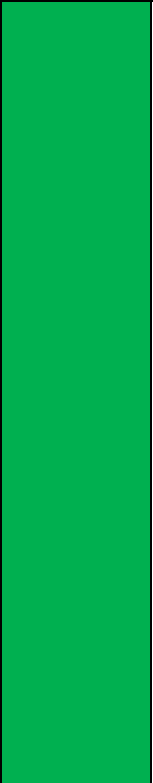
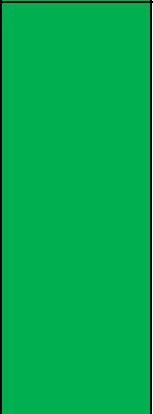
West Yorkshire update on 30 Sept 2022-1052 deployments, 812 males, 240 females, 82 children.

5. The wording of the Guidance should be

Accepted

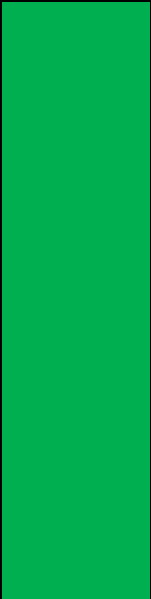
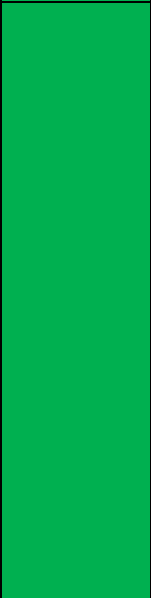
Policy now states:

<p>strengthened to deter any officer from using a Guard if they have not been recently trained to do so.</p>			<p><i>..a subject wearing a Spit and Bite Guard MUST NOT be in the custody or care of Police Officer/Civilian Detention Officer who has not received training in Spit and Bite Guards. It is the responsibility of the officer applying the Spit and Bite Guard to ensure that the subject is always under the supervision of a trained officer/staff. If in doubt, ask a colleague if they are trained in the use of Spit and Bite Guards.</i></p> <p>We launched a revised training video in August 2022 incorporating recommendations from the Board's HR advisor and PONI. We are monitoring training compliance and sending periodic reminders to all officers that the course is mandatory and replaces any previous Spit and Bite Guard training course.</p>	
<p>6. The Guidance should be strengthened to recognise the dangers illustrated by the Sussex case in regard to the use of PAVA and Spit and Bites Guards.</p>	<p>Accepted</p>		<p>We have updated our policy to include this excerpt from Sussex Police policy on the use of Spit and Bite Guards:</p> <p><i>"Where the Spit Guard is applied after the subject has been exposed to incapacitant spray there is the potential for the Spit Guard to `trap` the product against the face of the subject and lengthen the effects. Consideration should be given to the replacement of the contaminated Spit Guard with a new Spit Guard if continued use is required."</i></p>	
<p>7. The Guidance needs to reinforce the importance of the guard being single-use. This should also be reflected in the training videos and face-to-face learning.</p>	<p>Accepted</p>		<p>We reinforce this aspect of policy during PSP training. The revised training video and policy refer to the guard as a single-use item as follows:</p> <p><i>A Spit and Bite Guard should not be allowed to become saturated or filled with fluid or solids of any description. If this occurs, the Spit and Bite Guard must be replaced with a new one.</i></p> <p><i>If you have applied a Spit and Bite Guard to a subject and it is removed or otherwise dislodges from the subject, it must be replaced with a new one.</i></p> <p><i>A Spit and Bite Guard must only be used on one subject and must never be applied to another person.</i></p>	

<p>10. An individual who has spat or bitten, but has since calmed down or is now unconscious, should not have the Guard reapplied and the Guidance should reflect this. The Guidance should also provide more detail on how to reassess the continuing need for the Guard and how long a Guard should typically stay on for.</p>	<p>Accepted</p>		<p>A guard will never be reapplied to an individual who has had the guard removed having calmed down and stopped spitting. An officer may reapply the guard if the individual begins to spit or bite again. Policy states: <i>Monitor the subject at all times. Make sure you constantly reassess the need for the Spit and Bite Guard and keep it in place only as long as necessary...Officers should also be mindful of the duration a Spit and Bite Guard is worn by the subject whilst travelling to and waiting at a Custody Suite. As with any use of force, it should only be used while it is necessary and a continual risk assessment should be carried out and the Spit and Bite Guard removed if appropriate... Where a Spit and Bite Guard has been placed on a subject within the custody suite for a period of 30 minutes, an officer of at least the rank of Inspector must be informed as soon as practicable. This officer will review the circumstances regarding the continued necessity for the Spit and Bite Guard.</i></p> <p>The online training video also advises officers: <i>As with any use of force, a Spit and Bite Guard should only be used while it is necessary, a continual risk assessment should be carried out and the guard removed if appropriate.</i></p> <p>The daily spreadsheet we use to monitor the use of Spit and Bite Guards now includes a section showing the length of time each Spit and Bite Guard remained on the subject.</p>	
<p>11. Where the Guidance refers to putting on gloves and PPE more emphasis needs to put on this as the first action to take if someone is spitting or biting, rather than using force and applying a Guard. It is</p>	<p>Accepted</p>		<p>PSP training stresses that officers should consider wearing gloves due to the potential of transfer of bodily fluids. The revised training video shows officers in full PPE applying the Spit and Bite Guard to a detainee. This serves as a reminder that officers should consider PPE as an alternative to the application of a Spit and Bite Guard.</p> <p>Although it is desirable for officers to wear PPE as alternative to the application of a Spit and Bite Guard, in these circumstances it would need to be clinical grade PPE. Spitting and biting incidents are often dynamic and unexpected. Donning and doffing PPE in such circumstances would be impractical.</p>	

<p>recommended that the Guidance and training reflects this and gives officers the practical training they need in moving away from the threat and putting on PPE. The Police Ombudsman also recommended that police circulate a reminder to all relevant officers / staff to remind them of their responsibility to wear Personal Protective Equipment and its importance.</p>				
<p>13. The Guidance should be reworded to reflect the fact that officers must give a prior warning stating that if the individual does not stop spitting, then they will apply the Guard.</p>	<p>Not accepted</p>		<p>We train officers to use the National Decision Model prior to engaging any use of force. PSP refresher training includes a lesson on the National Decision Model, which includes information on the use of effective communication skills in a conflict management situation. The range of communication models covered include LEAPS (Listen, Empathise, Ask, Paraphrase and Summarise), the Betari Box (my attitude and my behaviour affect your attitude and your behaviour) and the Five-Step Appeal (simple appeal – reasoned appeal – personal appeal – final appeal - action). The five-step appeal acts as a mediation tool to assist individuals to view the situation with a fresh personal view from their own perspective. We have added a reference to the five-step appeal model to policy to re-inforce the de-escalation approach officers should take</p>	

			<p>prior to using force:</p> <p><i>Officers should follow the five-step appeal model as a means of final approach in cases of resistance whereby individuals are given every chance to comply with the officer's request.</i></p> <p>If the individual continues to spit/bite, officers give the following warning prior to applying a Spit and Bite Guard:</p> <p><i>Stop spitting, to protect myself and others I am intending to place a Spit and Bite Guard over your head.</i></p>	
<p>8. The previous training video for officers shows an individual actor subject to a Spit and Bite Guard who appears to be completely compliant. As a Spit and Bite Guard is a use of force and should be only be applied when 'absolutely necessary' the person to whom the Spit and Bite Guard is being applied is very likely to be actively resisting and/or being aggressive towards police. The training now appears to be unrealistic and needs updated.</p>	<p>Accepted</p>		<p>The Police Ombudsman for Northern Ireland also raised this point. The new online training video now depicts a non-compliant individual to ensure that training remains realistic.</p>	

<p>9. The training that officers receive on Spit and Bite Guards should be more comprehensive and repeated, at least, annually. It should be more extensive than the current training available and the implications of the use of force for human rights should be at the centre of such training.</p>	<p>Accepted</p>		<p>Online training remains a one-off training package. We launched the revised video in August 2022 and all eligible officers and staff are required to complete this new package. We provide District Commanders with weekly training compliance figures for their District. With every policy revision, we send a Service-wide notification for the information of officers and staff who carry Spit and Bite Guards. We re-inforce online training annually/bi-annually (depending on role) in PSP training during a 45-minute lesson with a practical scenario and revision of the policy which includes the section of policy pertaining to human rights. The College of Policing is reviewing PSP training for all forces with a desired emphasis on scenario-based training. We are moving to a more scenario-based model of training in 2023.</p>	
<p>14. The training and Guidance should give better Guidance to officers on how to effectively communicate to de-escalate the situation and to disengage safely. This training on de-escalation and disengagement should reflect the examples from the other forces set out above,</p>	<p>Accepted</p>		<p>Officers use the five-step appeal (detailed above) as a de-escalation tool. We use the National Police Chiefs Council Personal Safety Manual as the basis for our PSP training. This means we are in line with other UK forces in terms of what we teach in relation to de-escalation and disengagement. Our Combined Operational Training colleagues advise that they currently run 2 or 3 PSP classes per day in 3 separate locations around the province. To include external agencies in the delivery of de-escalation training would be logistically impossible.</p>	

<p>showing officers how to actively respond to a situation without using force. It is imperative that this training is detailed, in person and parts are delivered by those who are independent from PSNI, are professionally training in social work or related fields and play a vital role in de-escalating situations involving complex mental health crises. If de-escalation or disengagement is effectively used, this is the best way to protect the individuals from unnecessary uses of force and also protecting the officers.</p>				
<p>12. Neither the Human Rights Advisor nor the Policing Board have the expertise to develop</p>	<p>Accepted</p>		<p>We now have a policy regarding the tactical use of different vehicles when a subject has been arrested/detained, including the issue of transporting violent/aggressive prisoners in cell vans where available. We have increased our number of available cell vans in recent months.</p>	

<p>detailed proposals for the vehicles or alternative equipment that might be needed keep both officers safe without the use of Spit and Bite Guards. The PSNI should therefore report on the options for safe travel for the some 0.6% of suspects that have currently to be transported wearing a Spit and Bite Guard.</p>				
<p>16. The PSNI should amend their use of force training package and general training on the use of force on children, with specific reference to the use of Spit and Bite Guards, which should include:</p> <ul style="list-style-type: none"> • An explanation of children's rights; 	<p>Accepted</p>		<p>We address the rights of the child in our policy on the use of Spit and Bite Guards and more extensively in the revised online training package, which Policing Board members have viewed.</p> <p>Every officer, as part of PSP training, undertakes training in de-escalation. Although there is no specific neurobiological element to the training, policy is clear in its position on the use of the guard on children. In addition, we train all student officers in neurodiversity as part of their student-training programme.</p> <p>We offer all police officers training in Adverse Childhood Experiences (ACEs training). Three Districts have a vulnerability navigator in post who will pick up any vulnerability referrals from officers who may be concerned about an individual. We now also have Spit and Bite Guard deployments added to the custody record as part of the Custody Officer's pre-release risk</p>	

- A simple explanation of the issues of the development of the child and adolescent brain;
- How children are likely to react differently to situations than an adult; and
- A detailed focus on the heightened risks of Spit and Bite Guard use on children and young people.

assessment. This will provide an opportunity to capture data on referrals offered to / accepted by the detainee.

To address the 4 points within this recommendation:

- Point 1: We refer to the rights of the child in policy and training as follows: *Special consideration should be given to the heightened vulnerabilities of children. Article 3 of the United Nations Convention on the Rights of the Child (UNCRC) requires the best interests of children to be a primary consideration in all actions concerning children.*
When officers attend PSP training we make clear the definition of a child as being any person under the age of 18. Each lesson includes highlighting the need to exhaust all alternatives to using force on a child. Force should only be used as a last resort and should be proportionate to the level of threat and with consideration of the child's welfare. We stress that the child's wellbeing must be a priority in all decisions and actions that affect children, (Article 3 UNCRC). We emphasise that all children have the right to health, education, family life, play and recreation, an adequate standard of living and to be protected from abuse and harm in accordance with The United Nations Convention on The Rights of The Child. This forms part of the initial opening lesson in PSP and forms part of discussions throughout the training day in all use of force scenarios.
- Points 2, 3 and 4: When officers complete Adverse Childhood Experiences (ACEs) training, there are specific sections on the development of the child and adolescent brain focussing on the impact of ACEs on cognisance, decision-making and reasoning. The training raises officer awareness and understanding of the impact of ACEs throughout the lifespan and identifies options for officers once they have identified ACEs. Understanding trauma and its impact on developmental processes helps us to respond more effectively in

			<p>these circumstances. Through the training, we discuss the importance of early intervention and prevention strategies to help mitigate ACEs through a trauma-informed approach. We emphasise to officers that this is what any of us would wish for our children and young people and it is firmly rooted in the United Nations Convention on the Rights of the Child, (UNCRC).</p> <p>We have added the following to policy: <i>In people under 20, the frontal lobe of the brain still developing. This regulates decision- making, impulse control and the ability to cope with stressful situations. Children are likely to react differently than adults to some situations. You may be dealing with a child who has experienced past trauma. Psychological damage is a real factor for vulnerable children who may have suffered abuse. Please be alert to this possibility when dealing with children.</i></p>	
<p>17. Any new Guidance should be subject to consultation with children themselves in addition to those organisations that act as advocates for them.</p>	<p>Accepted</p>		<p>Discussions are ongoing with relevant partners to work with young people through a series of youth reference, engagement and listening events.</p> <p>Going forward, our Strategic Partnerships and Prevention Branch will work with young people to consider matters such as Spit and Bite Guards, Stop and Search and other matters relevant to young people.</p>	
<p>18. The Guidance needs to be strengthened to include other medical factors, including autism and sensory issues. It also needs to help officers to deal with</p>	<p>Accepted</p>		<p>Police officers and staff with an interest in neurodiversity have undertaken other initiatives recently. These include examining best practice in custody suites nationally and globally and devising a custody and autism toolkit, which forms part of mandatory custody training for all custody staff. We hope that this toolkit will become mandatory for all officers.</p> <p>We have informed officers and staff of the existence of awareness cards, which may be carried by</p>	

<p>people who not only have such disabilities, but also those who have taken drugs or alcohol and are unable to act rationally. The training should also cover these issues and provide officers with detailed Guidance on how to recognise such issues and problems that are not always.</p>			<p>vulnerable individuals. These include the JAM (Just a Minute) card, which allows people with a learning difficulty, autism or communication barrier to tell others they need 'Just A Minute' discreetly and easily; the Sunflower lanyard designed for those who have hidden disabilities and the Autism Awareness card. We incorporate these cards into practical lessons during student-officer training.</p> <p>A new custody suite has opened in Waterside specifically designed to reduce anxiety for vulnerable detainees. The suite has bigger windows to allow as much natural light in as possible and lighting that can be dimmed if required. There are also four vulnerable cells with LED screens to assist in communication with vulnerable detainees and exercise yards at the end of each cell wing which may be of great benefit when calming vulnerable people.</p> <p>As part of Stage 7 of the EQIA process (<i>Monitoring for adverse impact in the future and publication of the results of such monitoring</i>) we are monitoring how many incidents relate to mental health/drugs/alcohol. PSP training includes scenarios where the subject is behaving irrationally due to one or more of these factors. Officers are encouraged to use good communication to de-escalate these situations.</p>	
<p>2. The PSNI should investigate why the statistics in relation to religion appear to</p>	<p>Accepted</p>		<p>The data currently available to us concerning the use of Spit and Bite Guards indicates a potential difference of treatment between members of those groups. This data cannot be properly relied upon to support a finding of discrimination, prima facie or other. We understand the concerns raised by this data and will, as part of the process of ongoing review of policy and training, endeavour to</p>	

<p>demonstrate prima facie indirect discrimination contrary to domestic equality law and in relation to Article 14 of the European Convention of Human Rights.</p>			<p>obtain more reliable data and identify any measures which would provide greater understanding of the issues involved.</p> <p>Third sector groups with an interest in Spit and Bite Guards recognise that there are multi-faceted reasons for the seemingly disproportionate use of the tactic on members of the Catholic community. They also agree that we can only understand the reasons for this through partnership working with the DOJ, Education Authority and Health Trusts etc.</p> <p>An independent equality advisor may offer a way of examining the Section 75 implications that lie within the way we use of force on the protected groups. We are exploring this option with the Policing Board.</p> <p>Communication from the Northern Ireland Office in late 2021 indicated that the Secretary of State for NI (SOSNI) was supportive of the introduction of legislation enabling community background monitoring. The current SOSNI has recently reviewed the case for legislative change and has declined to take this proposal forward.</p> <p>In the absence of legislative change, we are actively considering other means of progressing community background monitoring.</p>	
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