



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

### SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),  
Dr Marisa Paterson MLA

### ANSWER TO QUESTION TAKEN ON NOTICE DURING PUBLIC HEARINGS

Asked by Andrew Braddock MLA on Monday, 29 August 2022: Neil Gaughan, Chief Police Officer – ACT Policing took on notice the following question(s):

[Ref: Hansard Transcript Monday, 29 August 2022 [PAGE 129]]

In relation to:

**MR BRADDOCK:** And that example used of the 16 year old, is that the youngest person that has ever been put in a spit hood?

**Dep Commissioner Gaughan:** To my knowledge, it is. But we will take it on notice just to ensure I am accurate. My evidence.

Mick Gentleman MLA, Minister for Police and Emergency Services: I am advised that the answer to the Member's question is as follows: –

Spit hoods can be used by ACT Policing to prevent a person in custody from spitting at or biting officers, which protects officers from the transmission of communicable diseases and sustaining other serious injuries.

A number of considerations are given before any type of restraint is used on a person in custody. These considerations include the safety of the person in custody, the safety of others (including other persons in custody), threats made to expel bodily fluid, recorded history of spitting, aggressive or threatening behaviour, the likelihood of injury to any person and the circumstances of the incident. Under the Commissioners Order 3, the use of a spit hood is defined as a reportable use of force incident and must be recorded in a detailed AFP Operational Safety Use of Force Report by an AFP appointee.

Approved for circulation to the Select Committee on Estimates 2022-2023

Signature: 

Date: 6/9/2022

By the Minister for Police and Emergency Services, Mick Gentleman MLA