



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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### SELECT COMMITTEE ON ESTIMATES 2022-2023

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

### ANSWER TO QUESTION ON NOTICE

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ANDREW BRADDOCK MLA: To ask the Minister for Police and Emergency Services:

#### Concerning spit hood usage

- (1) What routine measures do the police use for avoiding physical harm, including biting?
- (2) ACT Chief Police Officer Neil Gaughan during Estimates on 29 August 2022 mentioned between 1 March 2020 and 14 August 2022 there were 26 reports of 31 members having contact with biological factors of human origin.
  - (a) What dates did each of these incidents occur?
  - (b) Were spit hoods used in any of these incidents?
  - (c) If so, on which of the dates?
- (3) In regards to the incident described by ACT Chief Police Officer Neil Gaughan during Estimates on 29 August 2022 where a 16 year old girl was restrained with a spit hood:
  - (a) What date did the incident occur?
  - (b) What were the demographic details for the individual (age, race, cultural background, disability) of the individual?
  - (c) Was the individual known to child protection?
  - (d) How many police officers were involved in restraining her?
  - (e) If used, how long was she restrained with a spit hood?

**Mick Gentleman MLA:** I am advised that the answer to the Member's question is as follows: –

1. A combination of the AFP's Use of Force training and equipment carried by ACT Policing officers can be used to avoid physical harm to both police and the person in custody dependent on the nature of the threat.

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.

ACT Policing’s operational response to biting aligns with the response applied to any other act (attempted or actual) done to assault police officers such as striking, punching or kicking police officers.

AFP Commissioner’s Order 3 (CO3) governs the use of all force police may apply against any action that constitutes an assault, and this includes people who bite.

2.

Breakdown of incidents where police officers reported contact with biological factors of human origin between 5 May 2020 and 30 June 2022.

Incident Date	Incident - Injured Person Count
07 June 2022	2
15 May 2022	2
05 May 2022	1
24 April 2022	1
20 January 2022	1
16 December 2021	1
03 September 2021	2
18 August 2021	2
20 July 2021	1
30 May 2021	1
29 May 2021	1
26 March 2021	1
01 March 2021	1
07 February 2021	1
07 February 2021	1
14 January 2021	1
09 January 2021	1
22 October 2020	1
05 September 2020	1
02 August 2020	1
05 July 2020	1
12 June 2020	1
30 May 2020	1
16 May 2020	2
16 May 2020	1
05 May 2020	1

ACT Policing is unable to confirm if spit hoods were used in any of the above incidents where police officers reported contact with biological factors of human origin. Determining an intersection of spit hood use with each one of these reported incidents would require a WHS Advisor to interview each of the 31 members, followed by a manual interrogation of

the relevant case management entry. This would be an onerous and time-consuming task requiring the significant diversion of police and support resources.


3. On 25 March 2022, a 16-year-old female known to police was found drinking in the City and became aggressive when police attempted to remove alcohol from her possession. Police took the female into protective custody and restrained her when she began kicking and spitting at police.

The Use of Force was reasonable and proportionate to the actions and demeanour of the subject and no more force was applied than was required.

Throughout the incident, the police involved continually assessed and reassessed the need to use force in accordance with the principals of CO3.

ACT Policing is unable to provide further personal details of the 16-year-old arrested. There are privacy restrictions that preclude the provision of any information relating to personal particulars being released unless authorised as per the *Privacy Act 1988* (Cth).

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

Signature: 

Date: 16/9/2022

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