



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 ON NOTICE

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

- (1) Have ACT Policing been trained in any alternative to spit hoods such as those used in other jurisdictions?
- (2) Have ACTP trialled using Personal Protective Equipment, and, if so, what evaluations were done, and what did they find?
- (3) Have ACT Policing communicated with or done any cross-jurisdictional training or collaborative work to learn from other jurisdictions' police forces that don't use spit hoods, including from ACT Corrective Services?
- (4) Have been any incidents of spit hoods not being used correctly, or in breach of protocols, by ACTP. If so, what action was taken? If this data is not available, please advise.

Mick Gentleman MLA: The answer to the Member's question is as follows: –

- (1) ACT Policing are unaware of any other practical alternatives to spit hood that prevents saliva being expelled from a person in custody. Spit hoods protect police officers whilst they are in the process of physically handling a person in custody who chooses to be violent, spit and/or bite.

Spit hoods, in the same manner as all AFP's use of force (UoF) options, are reasonably and proportionately applied in direct response to the actions and demeanour being exhibited by the subject, in accordance with the guidelines and legislation.

- (2) Given the ongoing COVID-19 pandemic, ACT Policing continue to carry and utilise Personal Protective Equipment (PPE) when appropriate. Police may choose to utilise their PPE when handling a person in custody, which can protect those parts of the face and hands covered by the PPE.

PPE items are fragile, easily damaged and/or fall off when a person in custody is violent or otherwise resisting police. PPE can also impair a police officer's situational awareness and ability to access and use UoF options in a confrontational or violent situation.

This has repeatedly been observed during the deployment of UoF throughout the COVID-19 pandemic and lockdowns. The discretion of police in each circumstance is provided for, and must be justified and recorded in a detailed AFP Operational Safety Use of Force Report every time a UoF is deployed, including when spit hoods are deployed.

- (3) While ACT Policing has previously communicated with other law enforcement jurisdictions regarding the use of spit hoods upon request, cross-jurisdictional training has not taken place.
- (4) The AFP Professional Standards portfolio is responsible for the oversight and investigation of all complaints received by the AFP, including complaints about ACT Policing. PRS will only record incidences of spit hoods being inappropriately used or in breach of protocols if a formal complaint has been raised.

Complaints to the AFP are recorded in the Complaint Recording and Management System (CRAMS). They are coded based on the AFPs Categories of Conduct Determination. The determination does not have a code specific to spit hoods.

A text word search of CRAMS using 'spit hood' and 'spit' for all excessive use of force/breach of Commissioner's Order 3 complaints has identified nil complaints relating to spit hoods made against members of ACT Policing members since 1 July 2017.

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

Signature:



Date:

12/19/2022

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