



An Garda Síochána

Policy Document

Management and Use of Anti-Spit Guards

Effective Date	02/04/2020
Version No.	1.0
Approved by	Garda Executive
Introduced by	HQ Directive 017/2020
Policy Owner	Assistant Commissioner, Dublin Metropolitan Region

Purpose

A Contamination Prevention Guard or an “Anti-Spit Guard” is a face and head covering made of breathable material that prevents spitting, thereby preventing a potential assault and communication of disease(s). While spitting, or the threat of spitting, has always posed a threat to members of An Garda Síochána it has now become particularly relevant in the current pandemic of Covid-19 (Coronavirus). The issue of Anti-Spit Guards to members of An Garda Síochána will become part of their PPE (Personal Protective Equipment) until such time as a review is carried out on the 1st September 2020 to assess their continued suitability.

Scope

This Policy applies to all members of An Garda Síochána and Garda staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53, Garda Síochána Act 2005.

Policy Statement

An Garda Síochána, as an organisation, has Human Rights obligations towards its staff as well as a specific statutory obligation under Section 8 of the Safety, Health and Welfare at Work Act 2005 to ensure, so far as is reasonably practicable, the safety, health and welfare of its staff in their place of work. This is in addition to one of its core objectives to protect life and property as set out at Section 7 of the Garda Síochána Act 2005.

It is in this context that it is acknowledged that spitting poses a real and tangible threat to members of An Garda Síochána as well as members of the public. Spitting attacks have wide ranging psychological and physical ramifications which are particularly heightened in the current Covid-19 pandemic.

Accordingly, this sets the basis for the selection and acquisition of protective equipment known as Anti-Spit Guards. The standards for the deployment and use of Anti-Spit Guards by members of An Garda Síochána must be constant throughout the organisation. It is, therefore, the aim of this Policy is to ensure that there is an efficient and consistent approach, in full compliance with our Human Rights obligations, adopted across the entire organisation with regard to the use of this equipment. It should also be noted that their use must only be in circumstances which are necessary and proportionate and only for as long as is required to protect persons from the threat posed.

Human Rights Considerations

The use of an Anti-Spit Guard is considered a ‘Use of Force’ and must be treated as such by members of An Garda Síochána. The legal basis for such usage and our Human Rights principles must be adhered to at all times while using an Anti-Spit Guard. As with any use of force it must be the minimum appropriate in the circumstances and must reflect a necessary response to the threat posed. In this context members must be qualified to use anti-spit guards before any such use.

Cognisance must also be taken of An Garda Síochána’s Human Rights obligations in the decision to use Anti-Spit Guards in that every person has the right to respect, fair treatment and personal dignity and any action taken must not unjustly, unreasonably or arbitrarily discriminate between individuals.

The proportionate use of Anti-Spit Guards, is dependent upon decisions being made following consideration of the Garda Decision Making Model (GDMM) (which is mandatory), and ensures that Constitutional and Human Rights considerations are at the core of every decision made. This practice, in addition to the effective oversight of usage, which is guided by the nine standards of conduct and practice within the Code of Ethics, will aim to uphold the Human rights of all those affected by such use.

Compliance

Compliance with this Policy is mandatory for all members of An Garda Síochána and Garda staff.

Related Documents

- 1) Garda Decision Making Model (GDMM)
- 2) Code of Ethics

Legal & Human Rights Screening

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the Code of Ethics for An Garda Síochána and uphold and promote this Code throughout the organisation.

Policy Review

This Policy document will be reviewed in full on the 1st September 2020 to coincide with the review of issue of Anti-Spit Guards to the Garda Organisation in light of the Covid-19 pandemic.

Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

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Personal data shall only be processed for the purposes specified in this policy, and within a clearly defined lawful basis under the (EU) General Data Protection Regulation (GDPR) ((EU) 2016/679) and the Data Protection Acts 1988/2018. All necessary measures will be put in place to ensure personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed, and will not be retained for longer than is necessary.