



Commissioner Drew Harris
Office of the Garda Commissioner
An Garda Síochána Headquarters
Phoenix Park
Dublin 8

25 June 2020

BY EMAIL

Re: Spit Hoods and COVID-19 transmission

Dear Commissioner,

We write to express concern at the ongoing deployment of spit hoods by An Garda Síochána (AGS) in the context of COVID-19 infection and transmission, in particular following information that emerged in correspondence between Amnesty International Northern Ireland and the Police Service of Northern Ireland (PSNI) over recent weeks about their ineffectiveness in preventing infection.

We recognise the extreme challenge facing AGS members during this COVID-19 outbreak, and reports that some members of the public have been spitting at and intentionally coughing on members of AGS and others. AGS members often put themselves at risk when protecting the public, especially during the policing of this pandemic. Spitting is abhorrent, anti-social and can carry health risks, and this is of serious concern.

We would hope that AGS members are fully provided with Personal Protective Equipment, including gloves, masks and visors to protect them from infection. The Irish Council for Civil Liberties has previously urged AGS not to use spit hoods at all, even as part of the protective equipment offered to its members, given the human rights concerns they raise (see letter of 30 March 2020).

We understand that spit hoods were nevertheless introduced as a measure to protect AGS members and the public against contagion from Covid-19. We note their use is due to be reviewed in September, and that the Minister for Justice and Equality has said publicly that he wants to see an end to their use at that stage.

From your public statements, we know that steps have been taken to ensure spit hoods are used in a human rights compliant manner and always as a last resort. We take this opportunity to reiterate the need to ensure that regulation and oversight are in place for all Garda equipment, taking full account of the principles of necessity and proportionality, and a clear understanding of the risks of their misuse, particularly against at-risk population groups or health-impaired individuals. In this regard, we note the concerns raised by the Policing Authority about the use of spit hoods in general, their use on children and the need for disaggregated data on who they are being used on.

What is clear is that one core criterion for the deployment of spit hoods should be that they are only used on arrested persons if their effectiveness to protect against infection from COVID-19 has been tested and confirmed. At the very least, we must be sure that they reduce and do not exacerbate the risk of COVID-19 infection and transmission.

We are therefore very concerned that the correspondence with the PSNI referred to above indicates that the spit hood model it procured (Spit Guard Pro) does not provide protection to officers from airborne COVID-19 infection.

In its letter to Amnesty International Northern Ireland, dated 9 June 2020, the PSNI confirmed that the manufacturer of the Spit Guard Pro model explicitly declared that this device provides no protection against airborne or respiratory droplet spread of COVID-19. The PSNI states: "The product will not prevent aerosols from coughing or sneezing and is therefore not an effective means to prevent Covid-19." It cites the manufacturer's response it had received, as follows:

"The Spit Guard Pro works by, if worn correctly, preventing the wearer from spitting directly at officers. The spit guard acts as a barrier and therefore prevents transfer to the officers through the act of spitting. It is not designed to stop airborne pathogens or respiratory droplets etc. (i.e. COVID-19). The product has been extensively tested for its intended purpose and we have had no known issues regarding its use."

Based on this information, we are additionally concerned that the act of placing a spit hood on an arrested person, and the likely ensuing struggle, has the potential to cause significant aerosol generation. If the arrested person is infected with COVID-19, this would present a clear and immediate infection risk to the AGS members and others in the vicinity. When in place over the arrested person's head, the spit hood would do nothing to prevent the further spread of the virus via coughing, sneezing or exhalation.

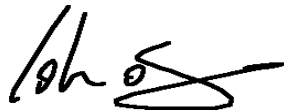
The use of spit hoods could therefore not only fail to offer protection against infection, but could in fact place AGS members at greater risk. This in turn exacerbates the risk of wider community transmission of COVID-19. Furthermore, we believe this information raises concern that the use of these devices may result in increased risk to arrested persons who may have compromised respiratory systems as a result of COVID-19 infection.

On this basis, and in the absence of specific evidence in the public domain to address these concerns about the risk to AGS members' safety and public health, we believe that spit hoods are not an appropriate or effective tool for protecting police or exercising police powers of arrest and detention in this COVID-19 context. These devices certainly should not be issued to or used by AGS members in the belief that they are reducing infection and transmission risks, until and unless that has been medically validated.

We therefore urge you to immediately end the use of these devices, pending information on any technical and scientific evidence of the efficacy of the spit hoods procured by AGS in preventing COVID-19 infection of AGS members and the wider public, and confirming they do not risk harm to the health of arrested persons. If this information is currently available, we ask you to share such with us and with the wider public as soon as possible.

We would be grateful for a reply at your earliest convenience.

Yours sincerely,



Colm O'Gorman,
Executive Director,
Amnesty International Ireland



Liam Herrick,
Executive Director,
Irish Council for Civil Liberties

Cc: Helen Hall, Policing Authority; Oonagh McPhilips, Department of Justice and Equality; Garda Inspectorate; Garda Síochána Ombudsman Commission