

# Fact Sheet: Spit Hoods & Deaths in Custody in Canada

**TRACKING  
(IN)  
JUSTICE**

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Tracking (In)Justice: A Law Enforcement & Criminal Justice Data & Transparency Project

## **Spit hood use is controversial & contested**

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Spit hoods are a controversial mesh-fabric restraint device used to prevent someone from biting or spitting in custodial settings. They are often forcibly put over someone's head to cover the face and mouth, which can make it difficult to breathe. The continued usage of spit hoods has been deemed by human rights experts as inhumane and to contravene multiple international conventions, including the *Convention Against Torture* and the *United Nations Standard Minimum Rules for the Treatment of Prisoners* (known as the Nelson Mandela Rules) - to both of which Canada is a signatory. [1]

## **Australian police & prisons have banned spit hoods**

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South Australia banned the use of spit hoods after Wayne Fella Morrison, an Indigenous man, died in 2016 after being restrained and put in a spit hood face down in the back of a van. [2] This year, the Australian Federal Police followed suit, and banned the use of spit hoods entirely. [3]

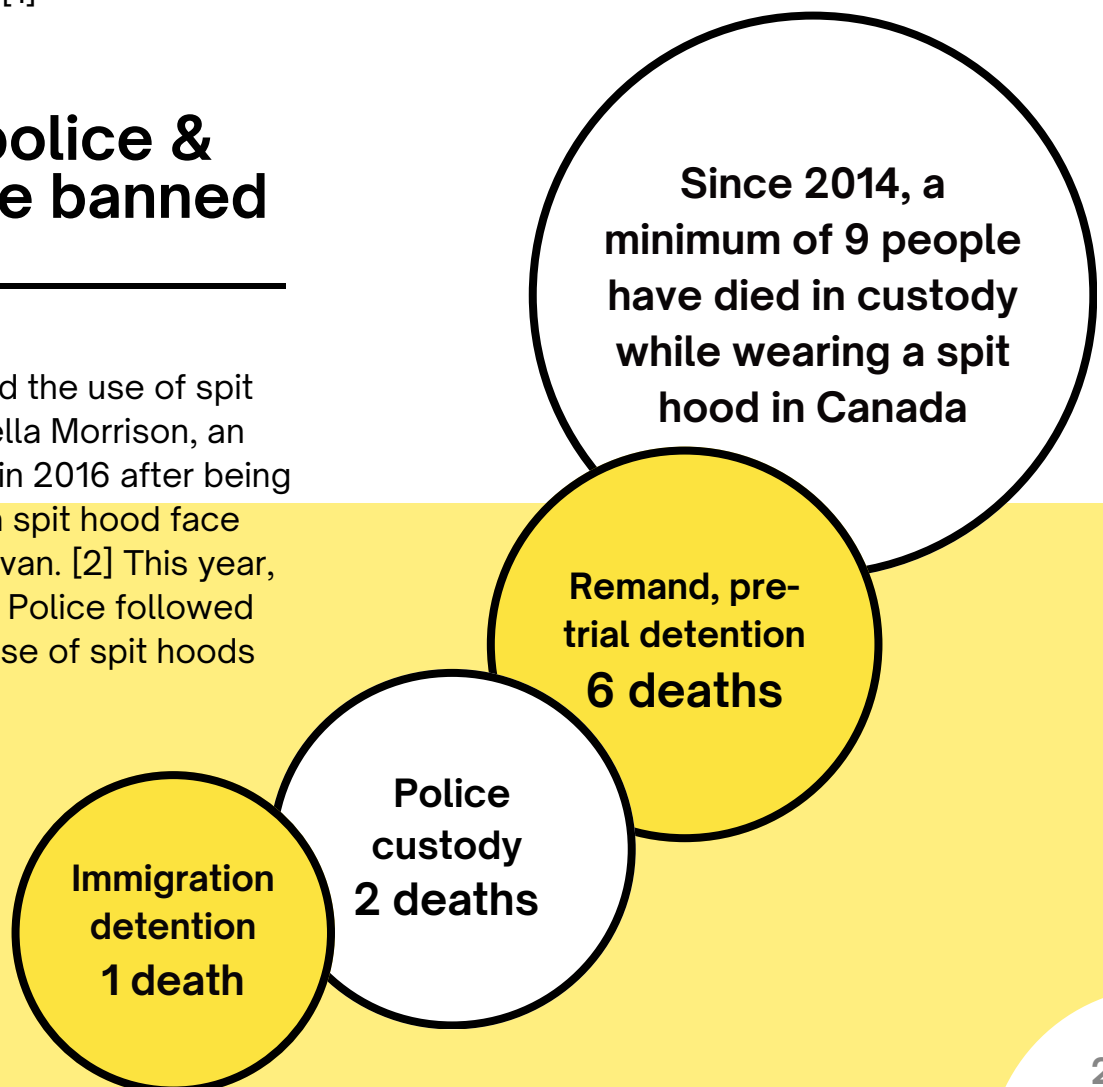
## **Canadian authorities continue to use spit hoods**

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Spit hoods are actively used by police and in jails and prisons across Canada. A common spit hood used is the Tranzport Hood; the package states:

*“Warning: Improper use of TranZport Hood can cause injury or death. Improper use may cause asphyxiation, suffocation or drowning in one's own fluids.”* [4]

In the wake of deaths due to the use of spit hoods, policing and prison institutions have faced critiques in parts of Canada for lacking training or policies on the use on the restraint device. [5]



# Lack of evidence & harm of spit hoods

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Despite the continued use of spit hoods in Canada, there is limited research on the safety of the restraint devices.

One study in the US noted limitations into research on spit hoods, and stated, the *“circumstances of the study do not replicate circumstances in which spit [hoods] are usually used, which are situations of conflict with law enforcement or health care personnel, with the subject often already restrained, possibly injured, lying down, and with spit or other body fluids on the spit [hood].”* [6]

The use of spit hoods lacks a clear justification, as neither HIV nor HCV can be transmitted through saliva. Furthermore, the devices have also been shown to not be effective at preventing communicable diseases, such as COVID-19. [7]

In fact, spit hoods may impair police and prison officers’ ability to identify medical conditions and notice distress or pain.

The typical use of multiple forms of restraint in conjunction with a spit hood is well evidenced in detention settings, where a spit hood is *“most likely used in conjunction with another form of restraint.”* [8]

Combining spit hoods with other uses of force and restraint may increase the likelihood of harm. Spit hoods are designed to block spit, vomit, blood or other substances escaping them, *“so when a wearer discharges a substance into the hood, the breathability of the fabric dramatically drops and the risk of suffocation rises.”* [9]

# Tracking use of spit hoods is a challenge

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Other jurisdictions, such as policing authorities in the UK, track the use of spit hoods and there have been public reports on their use. [10]

In Canada, this is not the case, and the understanding the scope of the use of spit hoods is a challenge. There is no data reported on the use of spit hoods by Canadian police, or in jails, and prisons.

## Our findings

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In Canada, we have tracked a minimum of 9 deaths of people in custody where spit hoods were used during a use of force incident. People died in a spit hood while in either police custody, immigration detention, or on remand. Remand is a type of custody for people who are held while waiting for a court appearance or who are waiting for a bail hearing. A small portion of people on remand have been tried, found guilty, and are awaiting sentencing. Most people held in remand are held in custody before their trial because they have been denied bail.

**Between 2014 and 2022, all 9 deaths were men.**

**Where race was publicly identified, 2 were Black-identified, and 1 was Indigenous.**

# Tracked deaths involving spit hoods since 2014

The following provides a summary of each case we have tracked where a spit hood was used in a use-of-force incident in custody. Due to lack of information and transparency from policing and prison authorities, this list is not complete. Furthermore, due to lack of information, we cannot say that the use of spit hoods was related to the cause of any of these deaths. We can only state that a spit hood was put on the person prior to the time of their death. All information on these cases has been compiled from publicly available government sources, including access to information requests, government data portals, coroners' websites, inquest documents, and department of justice reports.

<b>Date of Death</b>	<b>Summary of Incident</b>
<b>May 26, 2014</b>	Christopher Chastellaine was a 40-year-old man who died in Winnipeg Police custody. Chastellaine's medical cause of death was hypoxic-ischemic brain damage due to transient cardiorespiratory arrest due to allegations excited delirium, a contested diagnoses. After being arrested and detained, police came to his holding cell to seize his clothing as evidence. Chastellaine got upset and head-butted one officer. He was then taken down by six police officers who took him down to the floor and applied handcuffs, ankle shackles, and a spit hood. After an officer cut off his t-shirt and he was handcuffed, he became unresponsive and died a few days later.
<b>June 11, 2015</b>	Abdurahman Ibrahim Hassan was a Black 39-year-old Somali man who died while held in immigration detention at Central East Correctional Centre. He was awaiting deportation from Canada after being deemed inadmissible to the country by Canada Border Services Agency. Hassan was held in segregation and had numerous mental health diagnosis, including schizophrenia and bipolar disorder. He was held down in his cell by numerous guards while an improvised spit hood was put over his mouth while he was sedated. He died hours later after being transferred to the local hospital.

Date of Death	Summary of Incident
<b>Sept. 29, 2015</b>	<p>Jason Sinclair was a 30-year-old man who died at the Edmonton Remand Centre. The medical cause of death was excited delirium due to or as a consequence of methamphetamine toxicity. There was a physical altercation between prisoners in Sinclair’s cell after he had taken drugs, then guards came to break it up and ordered everyone to get on the ground. Sinclair ignored the direction, and then the guards entered the cell and deployed pepper spray, assaulted him with knee strikes, put him in handcuffs, and applied a spit hood over his head. Jason then went into medical distress and later died in hospital.</p>
<b>June 15, 2016</b>	<p>Corey Rogers was a 41-year-old man who died in Halifax Regional Police custody. Mr. Rogers' medical cause of death was suffocation. Rogers was arrested and a spit hood was placed over his mouth after he became agitated outside the police station. Once, inside, two of the officers dragged the prisoner to a dry cell where he was left with the covering over his face. He soon went into medical distress and died.</p>
<b>Oct. 12, 2016</b>	<p>Russell Andrew Spence was a 31-year-old man who died at the Winnipeg Remand Centre. Spence was involved in a physical altercation with guards during a strip search where he was struck several times with a closed fist. Guards eventually subdued him, and a spit hood was applied. Minutes after the struggle began, he suddenly became unresponsive and died.</p>
<b>Dec. 15, 2016</b>	<p>Soleiman Faqiri was a 30-year-old man who died while on remand at the Central East Correctional Centre. Faqiri was diagnosed with schizophrenia. Mr. Faqiri was in segregation when he was assaulted by guards, pepper sprayed, restrained, and a spit hood placed over his head. Faqiri died of his injuries face down with spit hood full of liquid from his mouth and an Ontario coroners inquest is currently ongoing into his death.</p>

Date of Death	Summary of Incident
<b>Nov. 6, 2019</b>	Johnathan Henoche was a 33-year-old Indigenous man who died at Her Majesty’s Penitentiary, in St. John's, Newfoundland and Labrador. His death was ruled a homicide. Henoche was on remand awaiting trial when he got into a tussle with a guard leading to punches, and then more officers began to restrain him. He then was strip searched, put in a segregation cell, his arms and legs shackled, and a spit hood placed on his head. Three minutes later after being alone he became unresponsive and died.
<b>May 3, 2020</b>	Derek Whalen was a 37-year-old man who died at the Moncton Hospital after being in remand custody at the Southeast Regional Correctional Centre. Whalen was under the influence of methamphetamine and showed symptoms of excited delirium. Guards restrained Whalen by tackling him to the ground and shackled him before bringing him to another cell. He soon became unresponsive in the cell and died.
<b>Dec. 24, 2022</b>	Nicous D’Andre Spring was a 21-year-old Black man who died at the Montreal jail while being illegally detained. The day prior Spring got into an altercation with guards where he was pepper sprayed and a spit hood was put on her head. He died the following day, and an inquest is set to be called in Quebec.

## What is the Tracking (In)Justice project?

Tracking (In)Justice is a law enforcement and criminal justice data and transparency project that tracks and analyzes police-involved and carceral deaths across Canada.

We believe that accurate and verified data is one way to support communities advocating for justice, accountability, and transparency from police and corrections officials, and oversight bodies.

Due to ongoing systemic issues with a lack of access, transparency, and consistency in reporting data deaths in custody across Canada, tracking this issue is an imperfect and challenging process. Indeed, one of the purposes of this project is to shine a light on these issues.

To learn more about Tracking (In)Justice go to: [www.trackinginjustice.ca](http://www.trackinginjustice.ca)

# References

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- [7] See: Barré-Sinoussi F, et al. (2018). Expert consensus statement on the science of HIV in the context of criminal law. *Journal of the International AIDS Society*.21(7):e25161. doi: 10.1002/jia2.25161. PMID: 30044059; and, De Camargo, C. (2022). The weaponising of COVID-19: Contamination prevention and the use of spit hoods in UK policing. *The Police Journal*, 95(4), 595-616. <https://doi-org.proxy.library.carleton.ca/10.1177/0032258X211018787>
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