



Juliet Lyon CBE
Independent Advisory Panel on Deaths in Custody
102 Petty France,
4th Floor 4.16
London
SW1H 9AJ

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Dear Juliet

THE USE OF PAVA IN PRISONS

Thank you for your letter dated 31 October 2018 regarding the introduction of PAVA into prisons and the advice offered regarding safeguards. I first want to assure you that the decision has been taken after careful operational consideration and as part of the programme of work underway to improve prison safety. Safety remains an issue of paramount concern in prisons. We know that we need to equip prison officers to deal with those individuals intent on serious harm to both staff and others.

PAVA is one of the ways in which we are seeking to provide prison officers with appropriate tools to help reduce the risk of serious harm. In order to provide you with further background information I have attached the PAVA pilot evaluation report for your information, please note this has not been published.

With regards to the use of PAVA in confined spaces this has been subjected to rigorous assessment and testing by the Centre for Applied Scientific Technology (CAST) to determine how well it meets the operational requirement. With respect of your concerns regarding those who have respiratory conditions PAVA has been medically tested to its full dose on both healthy and asthmatic people with no adverse effects.

The use of PAVA is subject to the same stringent application of legal and professional standards as all use of force in prisons. Staff are trained and annually refreshed so that they are aware of their human rights obligations. We have given additional consideration of the potential human rights implications that PAVA might bring and are satisfied that the policy for the use of PAVA is compliant with human rights. PAVA is already used routinely in a custodial setting in Denmark, Hungary, Norway, Germany, Latvia and Monaco that are also subject to the Convention. We recognise the potential for PAVA to cause pain and discomfort, but we have balanced this against the rise in assaults on both those in our care and staff where serious harm potentially could have been prevented. We have evidence of specific incidents where, if PAVA had been available to be deployed, serious harm, including life changing injuries, could have been prevented.

All officers will be trained in the after-care of those who come into contact with PAVA to ensure that they are able to safely manage any reaction experienced in a way that also allows for swift recovery, whilst being alert to any reactions that may be unusual and require access to further medical care. The guidance and training provided will ensure that any use of PAVA is compliant with our domestic and international obligations.

PAVA is being introduced alongside a range of other initiatives aimed at improving Safety including a new personal protection package. Furthermore the intention is for the rollout to follow the introduction of key worker delivery at establishments, recognising the enhanced relational skills this provides to our staff. To assist prison officers in making sound decisions we will be clear that PAVA will only be deployed where an individual faces the threat of serious violence or an imminent risk of serious violence to themselves, another member of staff or another prisoner. As with all use of force, any use of PAVA, including the threat of PAVA alone, will have to be the least excessive use of force necessary in the circumstances. The training programme and guidance provides prison officers with the knowledge and skills to assess whether use of PAVA is appropriate to the circumstances. The training is being updated following the pilot in four establishments prior to national rollout to take account of the learning. All use of force in prisons will be overseen through strengthened governance arrangements.

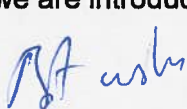
All drawing and or use of PAVA will be reported on a Use of Force reporting form completed by the member of staff that has been involved in the incident. Alongside this, the prison will record the incident on the Incident Reporting System. The Use of Force reports are collated and returned monthly to MoJ Analytical Services Directorate, work is underway to ensure that PAVA will be included once roll out commences. Establishments are expected to discuss any drawing and/or use of PAVA at their local Use of Force committee. Due to the exceptional circumstances that would justify the drawing and/or use of PAVA, there will be scrutiny of all incidents involving it.

An equalities impact assessment was completed for the pilot which has been included with this reply. This will be updated to support national roll out, in line with our Public Sector Equalities Duty to ensure that it does not have disproportionate impact on anyone with protected characteristics. In addition we are working with our Healthcare colleagues to identify any measures required to reduce disproportionate use with those who may have mental health conditions or learning disabilities. HMPPS are continually improving governance over the use of force in prisons. They are implementing the recommendation from the Lammy Review to ensure Use of Force Committees are not ethnically homogeneous and involve at least one individual, such as a member of the prison's IMB, with an explicit remit to consider the interests of those in our care.

Whilst overall it is our shared aim to improve Prison Safety it has to be acknowledged that there is likely to always be serious incidents that require this level of intervention therefore it would not be a temporary measure, we will however ensure there is governance in place to effectively monitor its use and keep this to a necessary minimum.

HMPPS have developed guidance on how to operate effective governance of Use of Force and this will be shared with Governors to support them to improve their own arrangements. HMPPS are also targeting a number of prisons where concerns about the Use of Force have been identified by HMIP and others with bespoke support to address the concerns raised. The rollout will engage directly with Governors and Senior Management Teams to ensure there is strong leadership at each establishment, this in turn will have oversight from the Prison Group Directors.

HMPPS consulted with a range of stakeholders prior to the pilot of PAVA. They will continue to work with you and others and ensuring that the Public Sector Equalities Duty is adhered to. Tackling the increase in violence in prisons, and keeping staff and those in our care safe is of paramount importance, and PAVA is one of a range of measures we are introducing to achieve this.



RORY STEWART MP