

Use of Force in prison

When are staff allowed to use force against a prisoner?

The Use of Force Policy Framework contains details about when and how force should be used.

The policy states that force will only be used where necessary in the following circumstances:

- a. In self-defence or defence of another
- b. To prevent imminent self-harm
- c. To prevent damage to prison property
- d. To prevent an escape
- e. In the prevention of a crime
- f. When it is essential to maintain order

When is force lawful?

The Policy Framework states that three key issues which will be considered when determining whether use of force was lawful.

1. Necessary

Staff must assess and decided if using force is necessary. This means they must consider what other options are available to them.

Wherever possible staff should try to resolve a situation using de-escalation and communication skills, such as speaking to the person involved.

When considering using force in self-defence, staff should consider if there are other options available such as retreating and summoning help.

2. Reasonable

The policy says that just because an act was considered necessary does not mean that the resulting action taken was reasonable.

Whether it is reasonable to use force will be different in each case.

When working out what is a reasonable response to a situation, staff should consider the seriousness of harm that they are trying to prevent – for example if the harm is serious injury or death more force may be reasonable.

Knowing when to stop using force is an important part of whether force is reasonable. The policy explains that if staff continue to restrain someone with no justification after they have become compliant, then this force stops being reasonable in the circumstances and will not be considered lawful.

The policy says that staff should consider things like size, age and sex of both the prisoner and the member of staff, and whether there are weapons involved when deciding if using force is reasonable

3. Proportionate

Proportionality means that staff must be able to demonstrate that the force used was not excessive in the circumstances. If less force could have been used in the circumstances, the force would not be considered proportionate and therefore would not be lawful.

Use of PAVA

The policy states that using PAVA will only be appropriate where:

- i. It is necessary for an officer to defend themselves or a third party from an attack, or an impending attack, where they perceive a threat of immediate harm; and
- ii. There is no other reasonable option open to the member of staff to protect themselves or another person and reduce the risk of immediate harm but to employ this defensive technique.
- iii. The use of PAVA is proportionate to the seriousness of the threat.

Staff must draw PAVA in an open and visible manner with a verbal warning and must continue to give clear verbal instructions throughout the incident.

PAVA must not be used as part of a planned intervention. It must not be drawn or used on prisoners at height.

Can PAVA be used to stop someone harming themselves?

PAVA must not be used to prevent a prisoner who is at serious risk of harming themselves, except in some limited circumstances detailed in the policy.

- i. there is a serious and imminent risk to the life of the prisoner who may also be threatening others; and
- ii. intervention is required immediately to prevent that risk; and
- iii. there are serious risks to staff in physically intervening; and
- iv. no other reasonable options are judged to be appropriate.

Use of batons

A baton may be drawn or used only when:

- i. It is necessary for an officer to defend themselves or a third party from an attack, or an impending attack; and
- ii. There is no other reasonable option open to the member of staff to save themselves or another person but to employ this defensive technique; and
- iii. The use of the baton is proportionate to the seriousness of the threat.

What if I need medical help during an incident?

Your health should be considered in the following ways if force is being used:

- Whenever possible, healthcare staff should be present when there are plans to use force.
- Staff should be aware of any signs that someone is having medical difficulties when using force.
- Healthcare staff should be consulted if staff think that mental illness or drug abuse is involved in someone's behaviour.
- If a medical emergency occurs, the person should be released from all holds and medical advice should be sought immediately.

What should happen after an incident involving force?

The following things should happen after an incident involving use of force:

- A report should always be completed by staff involved. This should include a statement from each staff member involved explaining what happened before force was used, what type of force was used and why.
- You should be examined by a member of healthcare as soon as possible and within 24 hours after force has been used. They should make a record of this, even if you do not appear to have any injuries.
- You can also ask for photos to be taken of any injuries you have received. This might be useful if you want to make a complaint – the following page for more details.
- Within 72 hours, a staff member unconnected to the incident should complete a post-incident review with you. They should raise any concerns about the use of force must with the UoF Co-ordinator (or equivalent staff member).

What should I do if force used against me was not justified?

You can make a complaint if you think force used against you was not justified.

In your complaint it is a good idea to:

- explain what happened before and during the incident
- ask for photos to be taken of any injuries you received, if this has not happened already
- ask that any camera footage from CCTV and Body Worn Video Cameras is saved whilst your complaint is considered

The prison should look at the reports made by prison staff and healthcare staff when considering your complaint. They may also need to speak to you, to staff involved, or other witnesses.

The prison may need longer than the usual 5 working days to investigate and respond to your complaint. You should still receive an interim response explaining this.

If you are unhappy with the response to your complaint you can appeal using a COMP 1A form, which you should do within 7 calendar days of receiving the response.

If you feel a complaint is still not resolved after appeal, you can ask the Independent Prisoner Complaints Investigations (IPCI) to look at it. IPCI are part of the Prison and Probation Ombudsman (PPO).

Write to IPCI at:

IPCI,
Third Floor,
10 South Colonnade,
Canary Wharf,
London
E14 4PU

There is more information about making complaints in our information sheet '*Making a complaint in prison*'.

Can I report the incident to the police?

If you think a crime has been committed against you, you can report it to the police.

If you want to report a crime you can ask to speak to the 'Crime in Prison Single Point of Contact' (SPOC). This person is responsible for referring crimes to the police.

Prisons only have to report serious crimes to the police and can consider others on a case by case basis. If the prison does not help you make a report, you can:

- Ask a friend or family member to report the incident to the police on your behalf.
- Write directly to a local police force.
- Write a letter to the Prison Group Director's office who should then facilitate the referral – this is an option if you do not wish the prison staff working directly within the prison to be involved.

There is more information in our *Safety and Wellbeing in prison* information sheet.

Monitoring Use of Force

Governors must establish a UoF committee which must meet at least monthly to review UoF incidents.

They do this by looking at video footage and staff statements, including all incidents involving PAVA, batons and injuries to prisoners.

At least quarterly the UoF committee should also review equality data to ensure that force is not used disproportionately on particular groups, and that action is taken where disproportionality exists.

Further information

The following may be of interest to you. If you are unable to access them elsewhere feel free to contact our Advice and Information Service and we will be happy to send you a copy.

Useful policy documents (these should be available in the library):

Use of Force Policy Framework

Prisoner Complaints Policy Framework

Other

PRT information sheet '*How to make a complaint in prison*'

PRT *Safety and Wellbeing in prison* information sheet

Prisoners' Advice Service information sheet '*Complaints*'

Prisoners' Advice Service information sheet '*Racism Complaints*'

PPO Learning Lessons Bulletin *Use of force (January 2014)*

PPO Learning Lessons Bulletin *Use of force – further lessons (May 2016)*

Contact our Advice and Information Service

We are a small service which provides information and advice for people in prison. We are independent of the prison service.

Our freephone information line is **0808 802 0060**.

This number is **free** and you do not need to put it on your PIN.

This number is open:

Monday	3pm – 5pm
Wednesday	10:30am – 12:30pm
Thursday	10:30am – 12:30pm

When we are not taking calls you can still leave a short voicemail. Please give your name, prison number, the prison you are in and what information you are looking for. Voicemails will be checked during working hours Monday to Friday and we will respond as soon as possible by post or email a prisoner.

You can write to us at:

**Prison Reform Trust
FREEPOST ND 6125
London
EC1B 1PN**

You do not need to use a stamp.

