



Peter Dawson
Prison Reform Trust
15 Northburgh Street
London
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MoJ ref: ADR80818

05 October 2020

Dear Peter,

PAVA

Thank you for your further letter of 1 July concerning the use of PAVA. I hope I can reassure you that we have good assurance processes in place and that we are committed to ensuring that PAVA is used safely.

I appreciate that you are concerned about the time it has taken to provide routine data on PAVA usage. From the outset of the national rollout we have been addressing the data quality and there is now an evaluation team in place with the appropriate expertise to assist with this process. As previously outlined in prior communications, data on every PAVA use has been routinely collected and reviewed centrally, and in light of the exceptional deployment we took steps to formalise this further and are now able to provide a data summary on a regular basis, this is currently fortnightly. The data summary is reviewed during the fortnightly PAVA usage meeting by representatives from Safety, Security and the evaluation team to monitor for any emerging trends. I have attached a copy of the most recent report with this reply.

With regards to the specific information you have requested, I have addressed the points you have raised below:

Public Health England (PHE) Advice

The initial guidance provided by PHE was from a Senior PHE colleague via email, who advised that the use of PAVA on those people who are diagnosed with or are a possible/probable case of COVID-19 would not be advisable because the virus can cause severe acute respiratory distress syndrome and use of PAVA or other materials causing inflammation to the lungs due to irritation on inhalation would be ill advised. Further guidance was sought from PHE, and it was confirmed that the original advice still applied. In addition, advice was given that the guidance not to use PAVA should be extended to those with influenza like illness symptoms. We are currently exploring this updated advice.

Breakdown of deployment and use by protected characteristics, including disability, and by prison

The most current data summary has been developed to include more details on protected characteristics.

Prisons are actively encouraged to seek all relevant data in respect of protected characteristics. The PAVA incident reporting form has been amended to provide additional guidance to assist staff in locating this information and builds on and improves the process which was in place during the pilot. This also helps to bridge the gap until the digital tool is fully rolled out.

As with the wider challenges in how we monitor protected characteristics across the service, there are always some limitations, in particular, the fact that an individual may choose not to disclose or we are unable to disclose it because it is sensitive medical information which is held in confidence. This is a matter wider than PAVA and Use of Force, and we are working collaboratively with Diversity and Inclusion colleagues to address this. For this reason, we cannot guarantee that the data we hold is a wholly accurate reflection of the prisoners involved, but I would like to reassure you that every effort is being made to improve this.

The breakdown nationally and by prison of justification for use

The processes established to routinely review PAVA centrally have highlighted that to do this effectively can often require a range of sources of information to gain the level of detail required to provide a full and thorough justification of use. Whilst prisons submit a brief outline of the details, often the prison safety team will then follow up with further enquiries at a local level to gain a full picture of events. As outlined previously, this will often include reviewing footage of incidents, local paperwork and staff reports. As a result we do not have a breakdown of the data by justification for use, I am however confident the scrutiny applied to each incident of PAVA is robust enough to ensure any concerns are picked up.

The number of occasions on which central scrutiny has resulted in a concern being identified and raised with local management in the way your letter describes

During the time in which this process has been formally in place (from 7 May onwards), there have been 34 instances where central scrutiny has led to requests for further information and details about the incident before making a decision as to whether the use was in line with guidance.

Of these 7 remain outstanding as the team are arranging appropriate times to visit the prison.

In 22 instances it was considered that after receipt of the further information, this showed that the use was policy compliant, proportionate and justified.

In a further five instances, the Implementation team provided advice to the establishment on matters relating to governance, Body Worn Video Camera use or adherence to guidance.

In the remaining three incidents, in addition to the advice from the team, the establishment also had taken their own actions.

The number of complaints received about PAVA use locally, and their outcome. The number of investigations commissioned and completed following PAVA use. The outcome of those investigations.

This information is not collated centrally, as these are matters addressed through the operational line. However, I acknowledge the importance of monitoring this issue and steps have been taken to identify ways in which this can be routinely provided to the central team.

The proportion of staff who have undertaken mandatory training in unconscious bias

Information about staff training is not held centrally; it is stored locally on our HR records system, and to provide this would entail asking all public-sector prisons to search through their records to identify which staff had undergone this training. As it is a training module separate to the Use of Force training, we are exploring whether it is possible to add reference to, or include the unconscious bias element in some form to the personal safety training package.

I hope this response helps to provide more assurance and addresses your concerns about the use of PAVA and the monitoring and oversight of its use.

Yours sincerely

A handwritten signature in black ink that reads "Lucy Frazer". The signature is written in a cursive style with a large, looping 'L' and 'F'.

LUCY FRAZER QC MP

PAVA Summary Report

2-week data summary
1st – 14th Sept (compared to the prior two weeks)

↓	3	PAVA incidents (drawn and/or deployed)	(a decrease of 1)
↓	2	PAVA deployed	(a decrease of 1)
↓	5	Individuals impacted	(a decrease of 3)
↓	0	incidents involved active self-harm	(a decrease of 1)

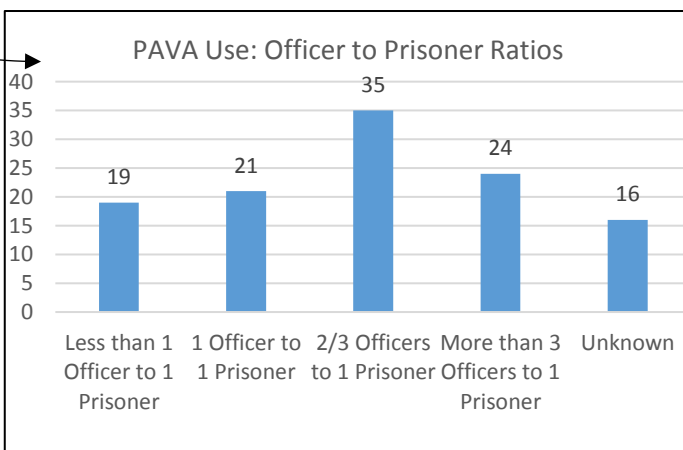
PAVA incidents since 1st April 2019¹

Total Incidents	Individuals impacted ²	Deployed		Drawn only	
115	162	79	68.7%	36	31.3%

Officer to Prisoner Ratio

The graph (right) shows the ratio of prisoners and officers reported as present at PAVA incidents.

51% of the incidents involved 2 or more officers while 21% of incidents involved officers outnumbering prisoners at a ratio of 3:1. However, it is unclear how ‘active’ officers were during the incident when listed as present (e.g. they may be directly involved or may only be witnesses). The number of prisoners reported may not be representative of all prisoners present during the incident, just those who were directly impacted by PAVA.

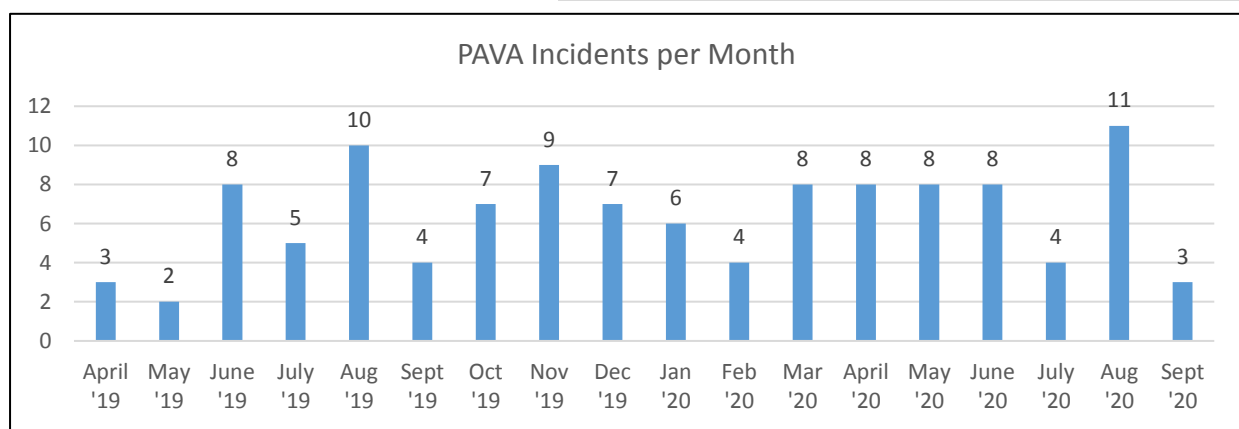


PAVA by Month

The graph (below) shows the number of PAVA incidents by month. The average to date is 6 PAVA incidents per month.

Deterrence rate of PAVA being drawn = 31.3%

There have been 115 incidents where PAVA has been drawn. PAVA has been deployed 79 times. For 36 incidents the drawing of PAVA was enough of a deterrent to resolve the situation without the need to deploy PAVA.



¹ April 2019 is when new PAVA guidance was issued in line with beginning of the national roll-out.
² Includes individuals involved in both drawn only, and drawn and deployed incidents (this figure is higher than the number of incidents as more than one individual can be involved in an incident).

Characteristics of those impacted by PAVA

Ethnicity

- The proportion of ethnicities found to be involved in PAVA incidents is approximately equal to (or below) what we would expect given the spread of ethnicities in the prison population.
- ‘Mixed’ and ‘Black/Black British’ ethnicity individuals experience PAVA slightly more than we would expect (7% and 20% of PAVA incidents respectively when representing 4.8% and 13% of the prison population).

Ethnicity	Individuals Impacted	%	Drawn and Deployed	%	Drawn only	%	% proportion of male prison population as of 31 st March 2020 ³
Asian/Asian British	8	5%	8	7%	0	0%	8.10%
Black/Black British	32	20%	25	21%	7	16%	13.00%
Mixed	12	7%	8	7%	4	9%	4.80%
Other ethnic group	1	1%	0	0%	1	2%	1.60%
White	108	67%	76	64%	32	73%	71.80%
Not recorded	1	1%	1	1%	0	0%	0.70%
Total	162	100%	118	100%	44	100%	100%

Age

- The proportion of ages found to be involved in PAVA incidents is not equal to what we may expect given the spread of ages in the prison population.
- However, we know that younger individuals are disproportionately likely to be involved in Use of Force incidents more generally.
- A standalone briefing that will explore the links between ‘Age and Use of Force’ has been commissioned. This will begin after the ‘PAVA Pilot & Post-Pilot Evaluation Report’ is completed.

Age	Individuals Impacted	%	Drawn and Deployed	%	Drawn only	%	% proportion of male prison population as of 31 st March 2020 ⁴
18-20	21	13%	18	15%	3	7%	5.0%
21-29	79	49%	57	48%	22	50%	28.6%
30-39	41	25%	26	22%	15	34%	31.2%
40-49	5	3%	4	3%	1	2%	17.9%
50-59	1	1%	0	0%	1	2%	10.3%
60+	0	0%	0	0%	0	0%	6.4%
Not Recorded	15	9%	13	11%	2	5%	N/A
Total	162	100%	118	100%	44	100%	99.4% ⁵

Other characteristics

- We are currently working with the Diversity and Inclusion team to consider how best to report data relating to religion and disabilities.

³ Percentages calculated as a percentage of the total male prison population at 31st March 2020 (79,367). Figures published at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2019>

⁴ Percentages calculated as a percentage of the total male prison population at 31st March 2020 (79,367). Figures published at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2019>

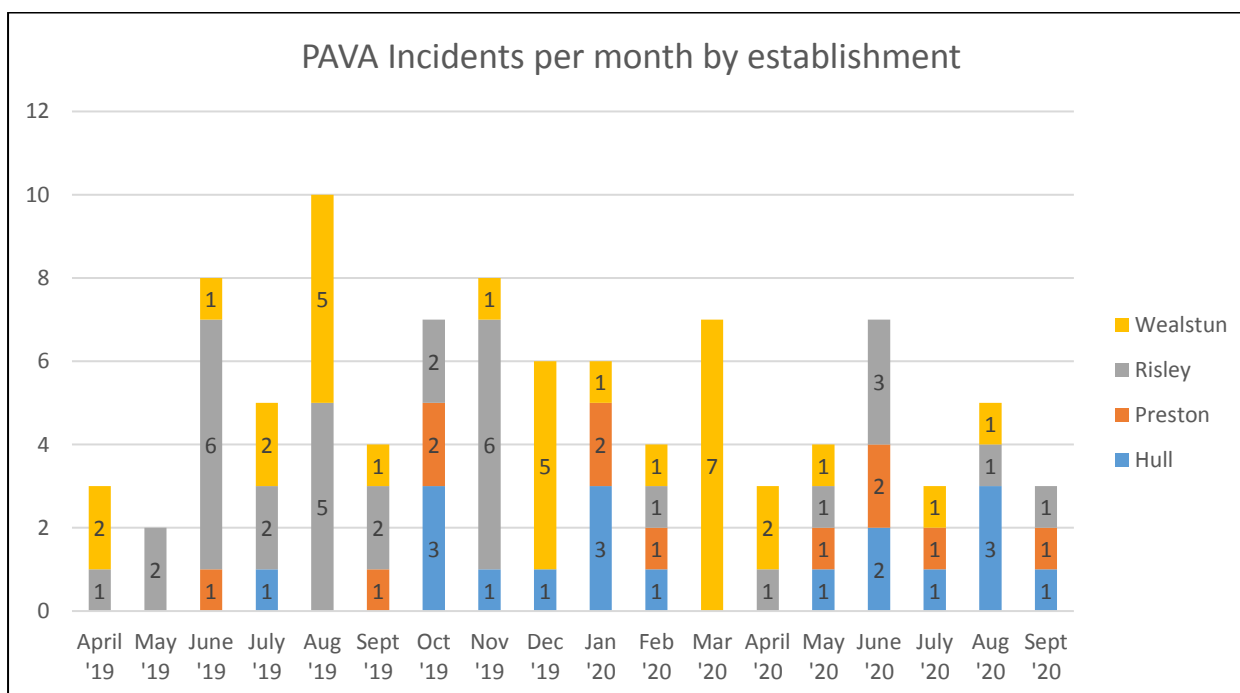
⁵ Prison population data included figures for the age bracket 15-17, not recorded here as PAVA is not used with this population, therefore the total percentage is less than 100%

PAVA Use by Establishment

- The table below only includes establishments with 10 or more incidents. The sites listed happen to be the pilot sites. This may be because these sites have had PAVA from the outset of the data reporting period whereas other sites have had PAVA for less time.
- The number of incidents varies significantly between the sites; as does the way in which PAVA is used as a deterrent.
- Even at the sites with higher usage, the percentage of the establishment population impacted on average every month is still very low.

Establishment	Total Incidents	Drawn and Deployed	Drawn only	Deterrence rate (%)	Percent of Establishment Population Impacted by PAVA per Month ⁶
Hull	18	15	3	17%	0.1%
Preston	12	10	2	17%	0.1%
Risley	34	23	11	32%	0.3%
Wealstun	31	20	11	35%	0.3%

- Finally, the graph below provides a detailed breakdown of PAVA incidents each month by establishment.
- This evidences a marked reduction of PAVA incidents at Risley when comparing the first half of the data period [26 incidents] to the second half of the data period [8 incidents].
- Wealstun, the other site with a large number of cases, appear to have particular months with increased PAVA incidents. For instance, 17 of their 31 incidents have occurred in 3 of the 18 months.







UoF Evidence Team (Dr Grant Bosworth, Keely Wilkinson & Rebecca Christian)

Date of next report: 30th September 2020

⁶ This is determined by dividing the average number of individuals impacted by PAVA use at an establishment each month by the total population at that establishment as of December 2019.

Annex A – Exceptional Deployment Sites

Incidents reported at exceptional deployment sites only

2-week data summary			
1 st – 14 th September (compared to the prior two weeks)			
	0	PAVA incidents (drawn and/or deployed)	(a decrease of 1)
	0	PAVA deployed	(a decrease of 1)
	0	Individuals impacted	(a decrease of 2)
	0	incident involved active self-harm	(same)

Exceptional deployment PAVA incidents since 21st April 2020 (when approved for duration of Covid-19)

Total Incidents	Individuals impacted	Drawn and Deployed		Drawn only	
18	30 ⁷	9	50.0%	9	50.0%

The protected characteristics of individuals impacted by PAVA at the Exceptional Deployment sites are shown in the tables below. It is important to note these report very low figures of individuals impacted.

Ethnicity

- At the exceptional deployment sites, ‘Mixed’ and ‘Asian/Asian British’ ethnicity individuals experience PAVA slightly more than we would expect (13% and 17% of PAVA incidents respectively when representing 8.1% and 13% of the prison population).

PAVA Incidents at Exceptional Deployment sites by ethnicity

Ethnicity	Individuals Impacted	%	Drawn and Deployed	%	Drawn only	%	% proportion of male prison population as of 31 st March 2020 ⁸
Asian/Asian British	4	13%	3	23%	1	6%	8.10%
Black/Black British	4	13%	1	8%	3	18%	13.00%
Mixed	5	17%	2	15%	3	18%	4.80%
Other ethnic group	0	0%	0	0%	0	0%	1.60%
White	17	57%	7	54%	10	59%	71.80%
Not recorded	0	0%	0	0%	0	0%	0.70%
Total	30	100%	13	100%	17	100%	100%

⁷ This figure is predominantly made from two large incidents at Rochester and Wayland involving 7 and 9 individuals respectively.

⁸ Percentages calculated as a percentage of the total male prison population at 31st March 2020 (79,367). Figures published at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2019>

Age

- As with Business as Usual sites, individuals in the age group 21-29 at Exceptional Deployment sites are disproportionately impacted by PAVA.

PAVA incidents at Exceptional Deployment Sites by age

Age	Individuals Impacted	%	Drawn and Deployed	%	Drawn only	%	% proportion of male prison population as of 31 st March 2020 ⁹
18-20	1	3%	1	8%	0	0%	5.0%
21-29	20	67%	8	62%	12	71%	28.6%
30-39	6	20%	2	15%	4	24%	31.2%
40-49	3	10%	2	15%	1	6%	17.9%
50-59	0	0%	0	0%	0	0%	10.3%
60+	0	0%	0	0%	0	0%	6.4%
Not Recorded	0	0%	0	0%	0	0%	N/A
Total	30	100%	13	100%	17	100%	99.4%¹⁰

Religion

- It is not possible to provide comparison data for the % proportions of religious groups in the prison population as the official statistics use slightly different categories of religion to those recorded for PAVA incidents.

PAVA Incidents at Exceptional Deployment sites by religion

Religion	Individuals Impacted	%	Drawn and Deployed	%	Drawn only	%
Church of England	2	7%	1	8%	1	6%
Roman Catholic	9	30%	2	15%	7	41%
Atheist	1	3%	1	8%	0	0%
Muslim	11	37%	5	38%	6	35%
Hindu	0	0%	0	0%	0	0%
Sikh	0	0%	0	0%	0	0%
Buddhist	0	0%	0	0%	0	0%
Jewish	0	0%	0	0%	0	0%
Other	0	0%	0	0%	0	0%
No religion	7	23%	4	31%	3	18%
Not recorded	0	0%	0	0%	0	0%
Total	30	100%	13	100%	17	100%

⁹ Percentages calculated as a percentage of the total male prison population at 31st March 2020 (79,367). Figures published at <https://www.gov.uk/government/statistics/offender-management-statistics-quarterly-october-to-december-2019>

¹⁰ Prison population data included figures for the age bracket 15-17, not recorded here as PAVA is not used with this population, therefore the total percentage is less than 100%

Disability

- Currently there are no published figures which record the frequency of disability in the prison population, therefore it is not possible to provide comparison data for the proportion of disability in the prison population.

PAVA Incidents at Exceptional Deployment sites by disability

Disability	Individuals Impacted	%	Drawn and Deployed	%	Drawn only	%
Yes	8	27%	2	15%	6	35%
No	19	63%	10	77%	9	53%
Not Recorded	3	10%	1	8%	2	12%
Total	30	100%	13	100%	17	100%