



## Introduction

The use of force in prison is only justifiable if it is legal, proportionate in the circumstances, reasonable, and necessary.

This briefing brings together evidence that, we think, casts doubt on the legality of the use of PAVA spray in prisons.

The first section describes the expansion of PAVA availability in adult male prisons. The second discusses the evidence of disproportionate use of PAVA by race, religion and disability. Third, we show how disproportionate use of PAVA has become the norm. Fourth, we explain the legal context. We will argue that the current provision of PAVA spray to prison establishments does not comply with HMPPS' legal obligations. Fifth, we re-examine arguments that PAVA spray contributes to prison safety. Finally, building on evidence, the briefing makes recommendations designed to reduce the disproportionate use of PAVA.

## Availability of PAVA spray in adult male prisons

Following a pilot in four prisons beginning in October 2018, the prison service rolled out PAVA spray, gradually extending its availability in prisons holding adult males.

An equality analysis for the introduction of PAVA spray was undertaken in 2017. On race and religion, it stated:

*There exists a disproportionate Use of Force rate upon BME prisoners, especially younger age black males.*

*Those of the Muslim faith experience a higher rate of Use of Force than individuals of other or no religion/belief.*

(HMPPS, 2017)

In 2017, the government also commissioned a study by the Runnymede Trust and the University of Greenwich. Evidence gathered at one prison found disproportionate use of force by ethnicity and religion, and that the scale of disproportionality was increasing:

*[Use of force (UoF)] was much higher amongst those of Black ethnicity in January (5.4 per 100 amongst Black prisoners compared to 1.7 per 100 White) and further it can be seen that UoF increased amongst Black prisoners, but not amongst White prisoners. Similar trends were noted with religion, with those of Muslim faith being more likely to experience UoF than those of Christian faith, and with this disparity getting worse over the observation period...*

(Runnymede Trust, 2017)

In 2019, HMPPS produced an equality analysis of the use of force. It stated:

*From the data currently available, PAVA has been drawn or used more against BAME prisoners. The evidence from wider use of force would suggest that this trend will continue as roll out progresses.*

(HMPPS, 2019)

The decision to rollout PAVA spray to all adult male prisons, following the pilot, was taken in the full knowledge that officers were likely to use force disproportionately on people from Black, Black/British, and Muslim backgrounds.

The use of force equality analysis (2019) also discussed the relevance of disabilities, explaining that there was insufficient evidence to determine any disproportionality:

*HMPPS does not currently hold data centrally regarding specific disabilities among staff and offenders. The declaration rate is 51.1%, which is too low for the representation rate to be meaningful.*

*Due to under-declaration and the large amount of missing information it is difficult to state with certainty that this represents any disproportionate use.*

(HMPPS, 2019)

The national rollout was initially contingent on a prison's 'readiness'. The Ministry of Justice listed the criteria relating to equality in 2020:

*Disproportionality considerations have been incorporated into the 'readiness assessment' for the rollout of PAVA incapacitant spray. This will see a requirement for prisons to demonstrate they are monitoring for any disproportionality in their use of force, they are able to understand any present trends and have appropriate action plans in place to tackle any identified disproportionality before they are signed off to be equipped with PAVA.*

(Ministry of Justice, 2020)

But in response to Covid-19, the prison service abruptly changed the rollout process. In March 2020, HMPPS informed the External Advice and Scrutiny Panel that the rollout would be paused. A month later, the prison service changed course and extended PAVA to all adult male prisons, albeit only to officers who had been trained in SPEAR ('spontaneous protection enabling accelerated response') and PAVA use (BBC, 2020).

In June 2020, the prison service told the BBC that PAVA spray was supplied to trained staff in 81 of the 90 closed prisons holding adult males (BBC, 2020). In November 2022, the government confirmed their intention to provide PAVA to all band 3–5 staff in closed adult male prisons (Lord Bradley, 2022a).

## Evidence of disproportionality

PAVA incidents cover events when officers draw PAVA but do not activate it; and those when officers draw and deploy PAVA.

The government has still not published statistics on PAVA use. However, data in the public domain establish that the use of PAVA has steadily become more disproportionate by race.

Black/Black British men make up approximately 13% of the adult male prison population. But, responses to three parliamentary questions show a clear trend in the use of PAVA:

- In the first year, April 2019–March 2020, 12% of the individuals on whom PAVA was deployed were Black/Black British.
- By November 2021, 39% of those on whom PAVA was deployed were Black/Black British.
- By December 2022, the disproportionate use on Black/Black British prisoners had increased to 43%.

(See Lord German, 2020; Lord German, 2021; and Lord Bradley, 2022b.)

The parliamentary question in 2022 also revealed that 30% of those on whom PAVA was used, April 2019 – December 2022, were Muslim, despite accounting for around 17% of the male prison population (Lord Bradley, 2022b).

A recent thematic report by HM Chief Inspector of Prisons confirmed a trend of an increasing disparity in the use of PAVA on Black prisoners:

*While making up approximately 13% of the prison population in 2020–21, black prisoners accounted for disproportionately more use of force and, in particular, were more than twice as likely as other ethnic groups to have batons and PAVA incapacitant spray used against them. Specifically, they were subject to...27% of PAVA incapacitant spray draws and 30% of the subsequent uses in 2020–21. In 2019–20 this was 15% for both PAVA draws and subsequent uses.*

(HM Chief Inspector of Prisons, 2022)

The inspectorate also considered whether age might be more relevant than ethnicity. They compared the rates for prisoners aged 18–24.

*HMPPS data covering 2018–19 and 2019–20 showed that black prisoners aged 18–24 were overrepresented in all types of force. ...young black prisoners were involved in 24% of all PAVA incapacitant spray draws and 30% of any subsequent uses. However, numbers were very low, making it difficult to draw clear conclusions.*

(HMCIP, Ibid.)

## Discrimination as business as usual

The disproportionate use of PAVA on Black, Black / British and Muslim prisoners is so firmly established that it has become normalised. In sequence:

1. A majority of prison officers in an establishment carry PAVA spray. Cannisters are routine; the use of PAVA is understood to be a part of their work.
2. Deployment is infrequent, but the vast majority of incidents are presumed to be legitimate as the circumstances meet the criteria.
3. Official guidance on the proper use includes circumstances that validate different emotional responses by officers to different ethnicities.
4. Governance focuses on whether the circumstances in each individual case are consistent with the stated justifications for PAVA use, an approach that disguises the aggregate patterns of disproportionality.
5. The MoJ and the prison service require hard (statistically significant) proof that the cause of the disproportionality is solely race/religion. Despite the extreme disparities, the possibility of other causal factors allows for denial that race or religion is a sufficient explanation of the disproportionality.
6. As the disparities increase, the fact that Black/Muslim men are disproportionately affected becomes obvious. This visibility leads to a self-fulfilling distinction: PAVA use on Black or Muslim men is more likely to be seen as justifiable and normal.

The government confirmed in a recent response to a parliamentary question that

*...staff can use the PAVA spray where there is serious violence or an imminent or **perceived risk of it** [emphasis added], and there is an immediate need to create a safe and protective environment.*

(Daby, 2023)

The Runnymede study (2017) and the chief inspector's thematic report (2022) found that BAME prisoners reported being subject to stereotypes, such as being perceived to be more aggressive or threatening. The chief inspector drew a link between ethnicity, a sense of threat, and an inclination among staff to use force:

*Some white staff were very frank about the struggles in determining how they should assess and respond to black prisoners...In one prison, white staff told us that black prisoners were more likely to be loud and boisterous, leading to staff feeling threatened and being quicker to use force against them. Among staff more generally, there was a strong tendency to talk about black prisoners in terms of threat.*

(HM Chief Inspector of Prisons, 2022)

If the inspectorate's assessment of staff attitudes is accurate, that white staff are more likely to perceive Black prisoners as a threat, then the policy to introduce a weapon to be used when an officer felt under threat created conditions under which that weapon would be used more frequently on Black prisoners (indirect discrimination).

## The legal basis

The use of force can never be lawful if it is a) used as a punishment; b) arbitrary; or c) in breach of the Equality Act.

HMPPS is bound by the Public Sector Equality Duty (PSED). Three particular requirements inform an analysis of whether the use of force complies with the PSED. HMPPS must:

1. Show due regard to the need to eliminate discrimination.
2. Show due regard to the need to foster good relations between people who share a protected characteristic and those who do not.
3. Produce evidence to demonstrate compliance.

The PSED is anticipatory—the duty to have due regard to the need to eliminate discrimination begins before the implementation of a policy (hence the requirement for Equality Impact Assessments, or a similar record of compliance). The PSED cannot be treated as reactive: if there is a disparity, and the balance of probabilities suggests discrimination, the prison service cannot delay remedies until all other possible causes have been eliminated.



## Indirect discrimination

The prohibition on discrimination covers direct and indirect forms. Direct discrimination involves a deliberate decision to take a protected characteristic into account and to treat someone less favourably as a result. This would cover situations in which an officer sets out deliberately to abuse their power by causing pain to someone because of their protected characteristic.

Indirect discrimination shows that a practice does not need to be intentional to be discriminatory. Indirect discrimination refers to a policy or practice that applies to everyone; the policy or practice places people who have a protected characteristic at a disadvantage; and there is not a good enough reason to justify the disparity. If the evidence does not establish a valid reason for a disparity, the policy or practice is unlawful indirect discrimination. A failure to address that would also amount to a breach of the PSED.

In August 2019, the prison service analysed its use of force data as part of its response to a judicial review backed by the Equality and Human Rights Commission (EHRC). The EHRC described the findings:

*Following the launch of the legal action, the Ministry of Justice carried out a more detailed equality impact assessment. This revealed disproportionate use of force in prisons against younger people, black people and Muslim people, which the Ministry of Justice was unable to explain. It also uncovered a serious lack of data about the use of force on disabled people in prisons and limited understanding of learning disabilities by prison staff.*

(Equality and Human Rights Commission, 2019)

In 2020, the MoJ made further commitments to the EHRC, including a promise to prioritise the recording of disability:

*HMPPS will prioritise the development of a full range of reports on PAVA use by protected characteristic, focussing particularly on disability. Some analysis of PAVA use and disability is now included in the regular summary reports that continue to be shared with stakeholders, along with analysis by age, race and religion. HMPPS has carried out a preliminary analysis of PAVA use by disability and mental health as a basis for future regular reporting. Once work is completed to improve the recording of disability, HMPPS will be in a position to provide a wider range of reports on this characteristic.*

(EHRC, 2020)

These reports show a consistent pattern: while the extent of disproportionate use on Muslim and Black/Black British people increased, the prison service was unable to provide an explanation or to reduce the disparity. As for disabilities, the prison service has yet to produce a reliable measure of the prevalence of disabilities and therefore cannot determine the extent of disproportionate use on that protected characteristic.

The disproportionate impact of disadvantage (being subjected to PAVA spray) on specific protected characteristics becomes more obvious, while HMPPS cannot explain the disparity. The situation matches the definition of indirect discrimination. In its efforts to distribute PAVA spray more widely, in full knowledge of the extent of indirect discrimination, HMPPS is failing to meet its statutory duty under the PSED.

## The duty to have due regard to the need to foster good relations

Where two groups are in tension, providing one group with a weapon is an act of escalation. There are understandable concerns that giving officers the power to cause people pain would increase distrust between the two groups. To lessen the risks of a damaging impact on staff-prisoner relationships, the prison service required prisons to have officers fully trained in keywork.

Commitments made by the government, the MoJ, and the prison service about the keyworker criterion have varied, from a proportion of staff trained in the role, to promises of a ‘fully operational’ system.

Independent evidence shows that, with few exceptions, the keyworker system is not functioning adequately. A report by the joint prisons/probation inspectorate on the Offender Management in Custody (OMiC) model concluded that keywork sessions were being delivered as intended for no more than 25% of the prisoners who are eligible (HM Inspectorate of Probation & HM Inspectorate of Prisons, 2022).

Introducing a weapon into prison increased the risk of damage to staff-prisoner relationships. To put this another way, there were clear indications that PAVA spray could undermine relationships between those who share a protected characteristic and those who do not. The prison service acknowledged the need for a remedy when it included the keyworker scheme in the readiness criteria. However, HMPPS continues to expand the availability of PAVA despite the absence of functioning keyworker schemes. The expansion of PAVA fails to comply with the PSED in terms of the duty to have due regard to the need to foster good relations.

## The duty to publish evidence of compliance

Technical guidance on the public sector equality duty, published by the EHRC, makes clear the duty to gather data to show the extent to which practices comply with the PSED. The technical guidance states:

*Adequate and accurate equality evidence, properly understood and analysed, is at the root of effective compliance with the general equality duty. Without it, a body subject to the duty would be unlikely to be able to have due regard to its aims.*

(EHRC, 2023)

Data showing disproportionate use of PAVA on prisoners with protected characteristics, including Black/Black British ethnicity, Muslim faith, and youth are circulated as officially sensitive to the External Advice and Scrutiny Panel (and others) but are not in the public domain.

The prison service improved its system for collecting use of force data, developing a digital reporting tool. Here again, its commitments about meeting this PSED have been ambiguous.

In response to the second judicial review supported by the EHRC (28 October 2020), the MoJ stated that it would develop its use of force reporting and work towards publishing use of force data.

*HMPPS is implementing a new use of force data tool, and working towards being able to publish national use of force statistics.*

(Cited in EHRC, 2020)

In a letter to EQUAL (30 June 2020) Lucy Frazer, Minister of State for Justice, stated:

*We are introducing a digital use of force reporting tool, which will be rolled out to further sites as soon as it is practical to commence staff training, this is to improve methods of monitoring and recording. We plan to publish annual statistics on use of force, once the new recording process is established.*

Those commitments have not been met (as of November 2023), more than two years since they were first offered.

## **Weighing the impact of PAVA use**

The lack of critical analysis of PAVA use suffers from a telescopic (narrow) focus:

- Weighing the benefits of PAVA in the brief time an officer decides to deploy it, while underestimating the preceding situations or the longer-term impact.
- Examining each use in comparison to the criteria for legitimate use, rather than recognising the aggregate pattern of disproportionate use.

The majority of PAVA incidents are in response to fights and assaults. By the time officers respond, there is often a risk of serious injury. Used in proportion to the degree of potential harm, the use of force can be considered legitimate by prisoners (who also want a safe environment).

However, every use of force incident is morally contested. Officers cannot rely on force to earn legitimacy. When force is disproportionate (causing unnecessary pain) the legitimacy of the officers' response suffers.

The key roles of officers in preventing situations from escalating into violence are protecting prisoners from victimisation, problem-solving, and conflict management. If these duties are neglected, reacting to violence with force is unlikely to be accepted as legitimate, and staff safety will be undermined. Being equipped with PAVA does nothing to help staff protect prisoners from victimisation, resolve the problems that fuel their frustrations, or bring conflicts among prisoners to peaceful conclusions.

Thus far, no evidence has established that the availability and use of PAVA reduces rates of assault in prison.

After PAVA incidents, prisoners also make judgements about how officers handled the crisis. While there is some evidence that carrying PAVA increases the confidence of officers, many



prisoners are likely to take the opposite view. Equipping officers with a weapon conveys a potent symbolic message that prisoners represent a threat.

Research on intelligent trust by Alison Liebling and Ryan Williams (2017) suggests that when prisoners are viewed with suspicion, they are led to feel alienated and disinclined to trust staff. Hence, they become reluctant to provide the intelligence that could help staff to pre-empt conflicts from escalating. This hypothesis suggests that routinely equipping officers with PAVA undermines the safety of all officers because it labels all prisoners as a potential threat and foments mutual distrust.

Governance, in the sense of monitoring the use of PAVA, also presents a narrow focus. Scrutiny tends to focus on whether each use was justified; in part, to test whether direct discrimination occurred. The question is whether the officer deliberately targeted the prisoner because of a protected characteristic.

In contrast, indirect discrimination refers to policies or practices that apply to everyone. If the policy or practice places people who have a protected characteristic at a disadvantage, and the evidence does not establish a valid reason for a disparity, the policy or practice is unlawful indirect discrimination. A failure to address that would amount to a breach of the PSED.

Despite a failure to explain why PAVA is applied disproportionately to young Black men, HMPPS has continued to expand the number of prisons in which PAVA is available. Further expansion, in full knowledge that current use is discriminatory, would be unjustifiable.

## Conclusions

Five years after a pilot exercise that was not adequately assessed for its impact on protected characteristics, the prison service continues to devote resources to expanding the availability of PAVA spray.

We call on HMPPS to:

1. Suspend further expansion of PAVA.
2. Publish its data on use of force data and PAVA.
3. Publish the steps it has taken to reduce disparities.
4. Document any changes it has introduced in governance to eliminate indirect discrimination.
5. Commission the Race Action Programme to re-examine policy and make changes that can reduce disparities.
6. Commission further research in live sites specifically to determine the reasons for disparities in the use of PAVA, by protected characteristic.

## Opportunities for improvement

Prison safety is reciprocal: prison staff cannot be safe unless the people in their care are safe, and prisons cannot protect the people in their care unless prison staff are safe. PAVA, a weapon that causes pain, shifts staff-prisoner relations to a zero-sum game: prison staff safety is to be achieved through increasing the danger to prisoners. This route will lead to less safe conditions for both. When violence is understood as the culmination of conflicts that escalate, it becomes untenable to argue that introducing a weapon enhances the chances for a safe resolution.

Changes targeting equality and safety can reduce the disproportionate use of force and PAVA on young Black males. HMPPS should:

- Publish use of force data and add them to publications on race disparities in criminal justice.
- Re-instate dynamic security, protecting the safety of all individuals.
- Improve relationships between prison officers and Black and Muslim people in prison.
- Ensure that refresher training in the use of force is primarily focused on conflict management and the development of effective resolution skills..
- In establishments where PAVA and use of force are being applied disproportionately, increase central scrutiny, create a performance metric, and analyse the patterns in use of force incidents.
- Scrutinise use of force incidents as “a failure to resolve or prevent conflict in the first place” (Use of Force Policy Framework).

In addition, HMPPS should:

- Acknowledge that ethnicity and religion influence the use of PAVA spray by staff.
- Investigate how structural racism in HMPPS contributes to the disproportionate use of force/PAVA.
- Identify prisons where there is minimal use of PAVA and analyse how that is achieved.
- Require governors to analyse patterns in the circumstances leading to the use of PAVA, in order to minimise its use.
- Meet people’s basic human needs.

## **Strengthening governance and accountability**

### **Publish use of force and PAVA data**

The first step in finding remedies for disproportionate use of force is to acknowledge that the problem is discrimination. The Ministry of Justice committed to publish use of force data in 2020. Fulfilling this commitment is needed to comply with the PSED (EHRC, Technical Guidance).

The MoJ/HMPPS should routinely publish data on the use of force, including on the drawing and deployment of PAVA. The current lack of transparency, which results in a drip-by-drip disclosure through the response to a parliamentary question or Freedom of Information request is insufficient for ongoing external scrutiny and accountability.

### **Support individual prisons to better understand their use of force**

HMPPS' use of force policy framework states: "Even where justified, it will always do harm of some kind, and always represents a failure to resolve or prevent conflict in the first place."

HMPPS should therefore actively promote reflective practice techniques which make clear the aim is to reduce the use of force/PAVA.

To achieve this, each prison should have its own fully funded lead staff member with responsibility for recording, collating and analysing data on the use of force within their establishment. This role would support governors to identify trends in their use of force.

Data should include concrete details about the circumstances that led to all use of force, and staff who draw and/or deploy PAVA should be required to explain in writing on the post-incident form how ethnicity might have influenced their decision.

We also repeat the recommendation by HM Inspectorate of Prisons that "post-incident debriefs...should routinely ask the officers involved to say why they saw the prisoner concerned as a threat, and ask the prisoner to explain their view of why force was used on them."

Governors should conduct quarterly analyses to identify what leads up to decisions to use force or deploy PAVA. The purpose should be to identify points early in the sequence that officers could handle differently to prevent the perceived need for force.

This should include distinguishing between incidents which suggest unconscious bias by staff, and those that suggest the racist use of force—which is deliberate and malicious. The response to the latter should impose strict accountability; the consequences should be publicised; and the prison service should be transparent about the numbers of officers disciplined.

### **Governors and Prison Group Directors should be required to analyse patterns in the circumstances leading to the use of PAVA, to minimise its use**

In line with the way that safety metrics are scrutinised, the use of force should be a standing item on the agenda of Prison Group Director/Governor bi-lateral meetings. This should include discussion of management information on the use of force (above), including by protected

characteristics. To support these discussions and provide effective performance management, HMPPS should develop a metric on equitable rates of use of force.

The governors of establishments that exceed equitable rates on use of force should be required to submit written reports to their Prison Group Director where they describe the actions they are taking to address the underlying issues behind inequitable use of force.

Where disproportionate use of force is persistent, this should automatically trigger a further deep dive by the Operational Response and Resilience Unit, with the aim of understanding and remedying the factors leading to high levels of force within an individual establishment.

This will signal to the service that disproportionality in use of force is taken seriously and that there is shared responsibility and accountability towards alleviating the problem.

### **Introduce a mechanism to trigger a deep dive investigation on the use of PAVA at an individual prison**

In addition to the automatic trigger in the previous recommendation, a separate mechanism should enable a deep dive investigation to be triggered. This may include situations including at a governor's request; or following concerns from scrutiny bodies such as HM Inspectorate of Prisons, the Independent Monitoring Board, or Prison and Probation Ombudsman.

### **Introduce mechanisms to enable greater external scrutiny of the use of PAVA and share learning at a local and national level**

HMPPS should proactively encourage a culture of learning and reflection in its use and deployment of PAVA, and use of force more generally. To achieve this, it should introduce an independent oversight mechanism, tasked with providing scrutiny, challenge and support at both a local and national level.

The External Scrutiny and Support Project, led by the Zahid Mubarek Trust (ZMT), scrutinises the effectiveness of local equalities policies and procedures in prisons, including the discrimination complaints system, with ZMT staff maintaining a regular presence in prisons. This model could serve as a basis for the introduction of similar mechanisms tasked with PAVA and the use of force. It could be supported by the newly reconstituted HMPPS External Advisory Board to provide constructive challenge; identify prisons where there is minimal use of PAVA, and analyse how that is achieved.

## **Additional measures**

### **Re-instate dynamic security**

Establish the fundamental duty of officers to protect all individuals. Re-instate dynamic security. The reciprocity of safety requires a return to prioritising the safety of prisoners, protecting them from victimisation and resolving conflicts that otherwise escalate into violence. Investment in the prevention of violence is far more effective than increasing the coercive potential in reacting to situations after a loss of control.

### **Improve relationships between prison officers and Black and Muslim people in prison**

The thematic review by HM Chief Inspector of Prisons comprehensively analyses the links between use of force and staff-prisoner relationships. Training officers to be suspicious of anything out of the ordinary is likely to contribute to a heightened sense of threat from BAME prisoners.

The prison service's response to the thematic review should prioritise the recommendations for building better relationships between staff and people in their care:

- Build empathy through opportunities for informal dialogue
- Reverse mentoring
- Prisoner and staff discussion forums.

As the thematic review suggests, improving relationships of trust and understanding between staff and people in their care, and building a culture based on rehabilitation and procedural justice, are likely to remove the perceived need to carry a weapon designed to inflict pain and may eventually achieve the removal of PAVA spray from prisons, thereby enhancing the safety of staff and prisoners.

The prison service should commission an independent and neutral partner to gather the views and experiences of people in the care of the prison service on the impact of PAVA on staff-prisoner relationships. HMPPS should also investigate the extent to which the guidance on the use of PAVA contributes to the disproportionate use of force.

### **Target use of force refresher training on conflict resolution**

Refresher training in use of force/PAVA must focus on conflict prevention. Officers should be trained to anticipate conflict and know how to intervene to resolve competing interests. A Danish study on the use of pepper spray called on the Danish prison service to explore incidents where force or pepper spray was used, to determine how conflict prevention could be implemented; and to strengthen dynamic security in staff-prisoner relationships so that use of force can be reduced (IMR, 2014). Time added to use of force training should cover empathy, cultural awareness and resolving conflicts.



### **Acknowledge that ethnicity and religion influence the use of PAVA spray by staff**

The scale of the disparities in use of force by religion and ethnicity show that a focus on alternative factors (age, behaviour, locality) deflect attention from the problem. National governance of the use of force/PAVA should give greater attention to indirect discrimination, instead of just assessing whether each case of PAVA use meets the criteria for justification.

### **Investigate how structural racism in HMPPS contributes to the disproportionate use of force/PAVA**

HMCIP inspections consistently find that BAME prisoners report more negative treatment in prison than their white counterparts, including not being in education or a job, and basic needs going unmet.

### **Require governors to analyse patterns in the circumstances leading to the use of PAVA, to minimise its use**

Governors should distinguish between unconscious bias and the racist use of force, which is deliberate and malicious. The response to the latter should impose strict accountability, the consequences should be publicised, and the prison service should be transparent about the numbers of officers disciplined.

HMPPS should require staff who use PAVA to explain in writing (on the post-incident form) how ethnicity might have influenced their decision.

### **Meet people's basic human needs**

Following the Runnymede study, work to reduce deficits in meeting basic human needs (as this neglect contributes to both prisoner on prisoner and prisoner on staff violence).

The Nelson Mandela Rules (UN, 2015) establish the principle of reciprocal safety:

*The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.*

(United Nations, 2015)

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The logo for the Prison Reform Trust, featuring the words "PRISON REFORM TRUST" in white, bold, uppercase letters stacked vertically on a dark red rectangular background.

**PRISON  
REFORM  
TRUST**

Prison Reform Trust  
15 Northburgh Street London EC1V 0JR  
020 7251 5070  
020 7251 5076  
[www.prisonreformtrust.org.uk](http://www.prisonreformtrust.org.uk)

## About the Prison Reform Trust

The Prison Reform Trust is an independent UK charity working to create a just, humane and effective prison system. For further information about the Prison Reform Trust, see [www.prisonreformtrust.org.uk/](http://www.prisonreformtrust.org.uk/)