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**USE OF FORCE SHOULD BE A LAST RESORT IN JAILS,  
SAYS OMBUDSMAN**

Staff face enormous challenges in keeping order and control in prisons, and the use of force must always be an option, but it should be a measure of last resort, said Prisons and Probation Ombudsman (PPO) Nigel Newcomen. Today he published a bulletin on further lessons that can be learned from investigations into complaints about the use of force.

Prison Service policy on the use of force is set out in Prison Service Order (PSO) 1600 which says that “the use of force is justified and therefore lawful, only if: it is reasonable in the circumstances, it is necessary, no more force than necessary is used and it is proportionate to the seriousness of the circumstances.” PSO 1600 makes clear that the type of harm the member of staff is trying to prevent should be considered. This may cover risk to life or limb, risk to property or risk to the good order of the establishment. The PSO also states that staff should always try to prevent a conflict where possible and that control and restraint (C&R) “must only be used as a last resort after all other means of de-escalating the incident, not involving the use of force, have been repeatedly tried and failed.”

A previous bulletin on this subject, published in 2014, highlighted learning for prisons from investigations into complaints about the use of force. Additional

lessons have been identified from more recent investigations. A number of these cases involved 'planned removals' where a decision has been taken to move a prisoner from their cell to another location and a C&R team of three staff wearing helmets and carrying a shield are assembled to carry out the removal.

The report found that:

- in a number of cases, there had been no attempts to de-escalate the situation once the C&R team has arrived at the cell;
- in some cases the team were told at a briefing that they should only give the prisoner "one more chance" to comply and then use force, which pre-disposed the team to use force;
- there were some occasions where the Supervising Officer deferred to the lead ("Number One") officer rather than taking a supervisory role throughout the incident;
- sometimes officers find it difficult when prisoners blatantly disregard their orders and may use one-on-one force rather than alternative disciplinary methods;
- some prisoners don't get a proper healthcare examination immediately after an incident involving force, because they are too worked up; and
- in some cases there have been suspicious similarities of language in Use of Force statements provided by different officers.

The lessons from the bulletin are that:

- the arrival of the C&R team in a planned removal should be treated as a new situation;
- briefings prior to a planned removal should cover the likely risks rather than being prescriptive about when force should be used;
- the roles of the Supervising Officer and the Number One Officer in the C&R team are different;

- a one-on-one use of force is very risky and should be used only if there is immediate risk to life or limb;
- a brief view by a nurse through the hatch of a cell door will not meet the requirement for a prisoner to be examined by a healthcare practitioner following a use of force; and
- staff must write their Annex A Use of Force statements independently.

Nigel Newcomen said:

“In some ways it is reassuring that there are relatively few complaints to my office about alleged physical abuse of detainees by custodial staff. In 2014-15, of 2,303 complaints eligible for investigation, only 50 involved such allegations.

“They are, however, among the most serious and important complaints that I receive as they go to the heart of the humanity and legitimacy of the prison system. Ensuring independent investigations into allegations of physical abuse is, therefore, essential to maintaining safety and giving assurance of the proper treatment of those in custody. My investigations also ensure that staff are held to account for misbehaviour and I have had to recommend disciplinary action on a number of occasions. Equally, in other cases, my investigations have provided assurance that use of force by staff was appropriate and their behaviour exemplary in difficult circumstances.

“Prisons can be violent places and recorded levels of prisoner-on-prisoner and prisoner-on-staff assaults are at an all time high. Staff face enormous challenges in keeping order, so use of force must always be an option. However, it is only lawful if it is reasonable, necessary and proportionate. Use of force should always be a measure of last resort.”

## NOTES TO EDITORS

1. A copy of the report can be found on our website from 17 May 2016. Visit [www.ppo.gov.uk](http://www.ppo.gov.uk).
2. The PPO investigates deaths that occur in prison, immigration detention or among the residents of probation approved premises. The PPO also investigates complaints from prisoners, those on probation and those held in immigration removal centres.
3. Prisons and Probation Ombudsman Learning Lessons Bulletin: *Use of Force*, published in 2014, is available online: <http://www.ppo.gov.uk/?p=3722>
4. Please contact Jane Parsons, PPO Press Office, on 020 3681 2775 or 07880 787452 if you would like more information. Alternatively please send requests or feedback to Prisons and Probation Ombudsman, PO Box 70769, London, SE1P 4XY.