



Black Training and Enterprise Group
200A Pentonville Road
London
N1 9JP
www.equalcjs.org.uk

Lucy Frazer QC MP
Ministry of Justice
102 Petty France
London
SW1H 9AJ

16 June 2020

Dear Minister,

THE LACK OF SAFEGUARDS AGAINST DISPROPORTIONATE USE OF PAVA

As members of EQUAL, a National Independent Advisory Group (NIAG) that works collaboratively to address the poorer outcomes experienced by BAME and Muslim people in the criminal justice system, we write to express our increasing concern at the lack of safeguards against discrimination as the prison service expands the availability of PAVA spray. Racially disproportionate use of force in prisons is a persistent, unexplained, problem and we are aware that PAVA is more likely to be used against you if you are black, Muslim, young or have a learning disability, at the very time when BAME people are more vulnerable to the coronavirus.

HMPPS has provided assurances that in order to qualify to equip officers with PAVA, prisons must demonstrate that they: monitor the use of force; identify any disproportionate use of force; and have plans to remedy any disproportionate use they find.

These reassurances are increasingly hollow when they rest on promises that have yet to be fulfilled. Data collection on the use of force continues to be very uneven. The Chief Inspector of Prisons most recent Annual Report states: "Recorded use of force had increased in 28 prisons. Its governance remained weak at many establishments."

We have not seen evidence of any effort to halt the expansion of PAVA until better safeguards can be developed and implemented. We have also learned that, once PAVA is made available to a prison, there is no mechanism by which to remove it if disproportionate use persists.

During the Covid-19 pandemic, many prisons have seen a new relationship between staff and prisoners, based on empathy, common purpose, and the value of each individual life. It

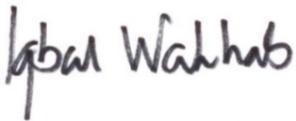
is a fragile trust. Introducing a symbol of coercive power with the capacity to cause pain undermines this delicate harmony. There is a very real danger that, lacking adequate safeguards against discrimination in its use, the expansion of PAVA spray will promote institutionalised racial bias.

In our view, the decision to equip officers with PAVA spray during a Covid-19 pandemic undermines trust and potentially promotes discriminatory practice. We hope that you will take account of our concerns and reconsider the decision.

EQUAL strongly supports the recent letter sent to you by one of our member organisations - the Prison Reform Trust.

We will be publishing this letter on our website and look forward to your response.

Yours sincerely



Iqbal Wahhab OBE,
Chair, EQUAL NIAG

On behalf of EQUAL – members listed

Jeremy Crook OBE, Vice Chair, EQUAL NIAG
Dr Patrick Williams, Manchester Metropolitan University
Diane Curry OBE, Partners of Prisoners
Jessica Mullen, Clinks
Khatuna Tsintsadze, Zahid Mubarek Trust
Kimmett Edgar, Prison Reform Trust
Neena Samota, St Mary's University
Raheel Mohammed, Maslaha
Sammy Odoi, Wipers Youth CIC